



Community Benefits Charge Strategy

City of Burlington

November 4, 2024

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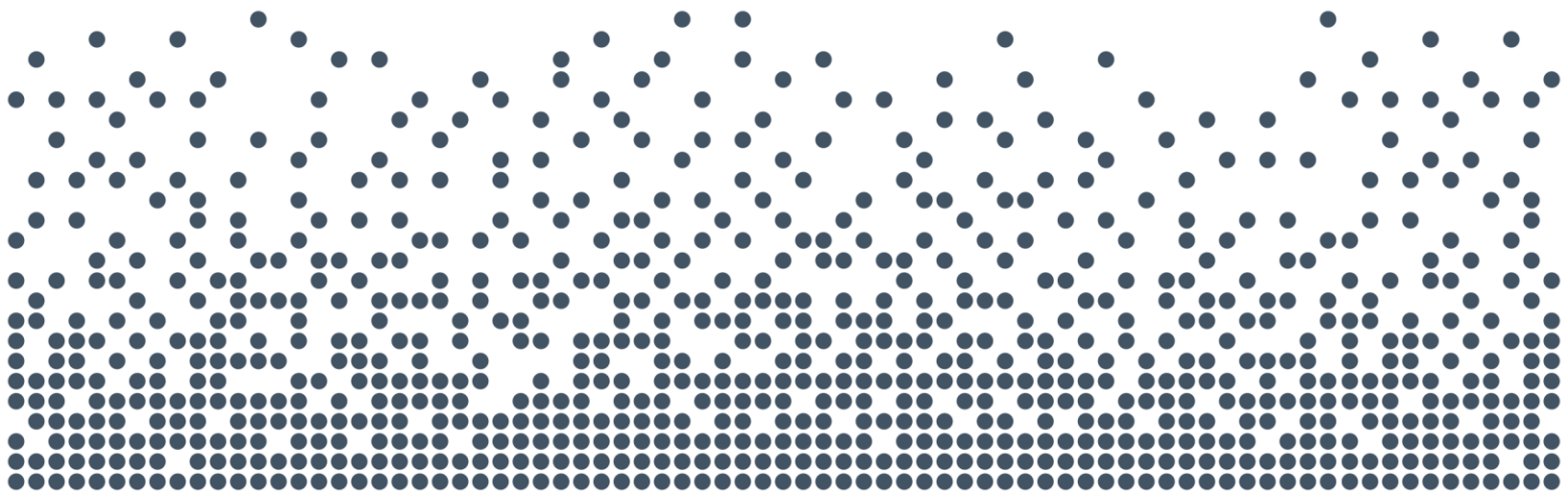
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List of Acronyms and Abbreviations

Acronym	Full Description of Acronym
C.B.C.	Community Benefits Charge
C.I.L.	Cash-in-lieu
D.C.	Development charges
D.C.A.	<i>Development Charges Act, 1997</i> , as amended
N.F.P.O.W.	No fixed place of work
O.L.T.	Ontario Land Tribunal
O. Reg.	Ontario Regulation
P.P.U.	Persons per unit
sq.ft.	square foot
sq.m.	square metre



Report



Chapter 1

Introduction



1. Introduction

1.1 Purpose of this Document

The City of Burlington (City) retained Watson & Associates Economists Ltd. (Watson), to prepare a Community Benefits Charge (C.B.C.) Strategy and to assist with the by-law adoption process. Watson worked with City staff preparing the C.B.C. Strategy and policy recommendations contained herein.

The C.B.C. Strategy has been prepared pursuant to the requirements of Section 37 of the *Planning Act* (as summarized in Chapter 3). Accordingly, the C.B.C. Strategy recommends the imposition of a C.B.C. and associated policies for administration of the by-law by the City. The C.B.C. Strategy and draft by-law will be distributed to members of the public to provide interested parties the background information on the legislation, the recommendations, and the basis for these recommendations.

This C.B.C. Strategy is designed to set out sufficient background on the calculation of the charges, and the policies underlying the proposed by-law, to make the material understandable to those involved. Chapters 4 and 5 outline the determination of the C.B.C. eligible capital costs and calculation of the charges. The C.B.C. Strategy also provides the rules for administering the by-law, as contained in Chapter 6 herein. Finally, the report addresses post-adoption implementation requirements (Chapter 7) which are critical to the successful application of the new by-law.

The chapters in the C.B.C. Strategy are supported by appendices containing the data required to further explain and substantiate the calculation of the charges.

1.2 Legislative Context

1.2.1 COVID-19 Economic Recovery Act, 2020 – Bill 197

The *COVID-19 Economic Recovery Act, 2020* (Bill 197) received Royal Assent on July 21, 2020. Schedule 17 of the Act amended the *Planning Act* with respect to the provisions of community benefits and parkland dedication. These amendments were proclaimed and came into effect on September 18, 2020. Municipalities with agreements for community benefits have two years after the date of proclamation (i.e.,



September 18, 2022) to transition to the new rules under s.37 of the *Planning Act*. Eligible municipalities also have the ability to impose a C.B.C. under this authority.

Single-tier and lower-tier municipalities may adopt a by-law to impose a C.B.C. against land to pay for the capital costs of facilities, services, and matters required because of development or redevelopment in the area to which the by-law applies. The capital costs eligible for recovery within a C.B.C. may include:

- land for parks or other public recreational purposes in excess of lands conveyed or funded by payment-in-lieu (P.I.L.) of parkland payments under sections 42 and 51 of the *Planning Act*;
- capital costs for municipal services eligible for inclusion in a D.C. by-law, as described under subsection 2 (4) of the *Development Charges Act* (D.C.A.), that are not intended to be funded under the municipality's D.C. by-law; and
- capital costs that are ineligible for recovery under a Development Charges (D.C.) by-law.

There are restrictions on the application of the charges. A C.B.C. may be imposed only with respect to development or redevelopment that requires:

- the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
- the approval of a minor variance under section 45 of the *Planning Act*;
- a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
- the approval of a plan of subdivision under section 51 of the *Planning Act*;
- a consent under section 53 of the *Planning Act*;
- the approval of a description under section 9 of the *Condominium Act, 1998*; or
- the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

As discussed later, the regulations limit the charge relative to the value of land at the time of building permit issuance thus, imposing the charge at the time of development requiring the issuance of a building permit would be prudent.

The *Planning Act* limits the imposition of the C.B.C. to certain types of development. Under s.37 (3), a C.B.C. may not be imposed with respect to:



- development or redevelopment of fewer than 10 residential units, and in respect of buildings or structures with fewer than five storeys;
- a building or structure intended for use as a long-term care home;
- a building or structure intended for use as a retirement home;
- a building or structure intended for use by a university, college, or an Indigenous Institute;
- a building or structure intended for use as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion;
- a building or structure intended for use as a hospice to provide end-of-life care; or
- not-for-profit housing.

The amount of the charge cannot exceed an amount equal to the prescribed percentage of the value of the land on the date of building permit issuance. At present, the prescribed value is set by regulation at 4% of land value. Moreover, if the landowner is of the view that the amount of the C.B.C. exceeds the prescribed value, the landowner may pay the charge under protest. In this circumstance, there is an obligation of the landowner and municipality to provide appraisals, and for the municipality to maintain a registry of at least three land appraisers.

A municipality may allow the landowner to provide in-kind contributions towards the facilities, services or matters in lieu of paying a C.B.C.

Before adopting a C.B.C. by-law a municipality must prepare a C.B.C. Strategy that identifies the facilities, services, and matters that will be funded with the charges. The municipality must consult with such persons and public bodies as the municipality considers appropriate while preparing the C.B.C. Strategy. Furthermore, Ontario Regulation 509/20 specifies the methodology that must be followed in the C.B.C. Strategy. This includes:

1. An estimate of the anticipated amount, type, and location of development and redevelopment with respect to which community benefits charges will be imposed;
2. Estimates of the increase in the need for facilities, services and matters attributable to the anticipated development and redevelopment to which the community benefits charge by-law would relate;



3. For the facilities, services, and matters included above an identification of excess capacity and estimates of the benefit to existing development;
4. Estimates of the capital costs necessary to provide the facilities, services, and matters; and
5. Identification of any capital grants, subsidies and other contributions made to the municipality or that the council of the municipality anticipates will be made in respect of the capital costs.

Once the by-law is passed, the municipality must give notice of passage and the by-law may be appealed to the Ontario Land Tribunal (O.L.T.) within 40 days of by-law passage.

Revenue collected under a C.B.C. by-law must be maintained in a special account and used for the purposes that the charge was imposed. A municipality must report on the activity of the special account annually.

1.2.2 *More Homes for Everyone Act, 2022 – Bill 109*

The *More Homes for Everyone Act, 2022* received Royal Assent on April 14, 2022. Schedule 5 of the Act amends the *Planning Act* with respect to C.B.C. by-laws. New subsections 37 (54) to (59) require that Council must pass a resolution on whether a revision to the C.B.C. by-law is needed at least every five years from the date the by-law was first passed.

The municipality must review the by-law and determine whether there is need for a revision and requires that municipalities shall consult with such persons and public bodies as appropriate. The municipality must give notice of the passing of the resolution within 20 days on the website of the municipality.

If Council does not pass a resolution within the five years, the by-law is deemed to expire.

1.2.3 *More Homes Built Faster Act, 2022 – Bill 23*

The Province introduced the *More Homes Built Faster Act, 2022* with the overall objective to increase housing supply and provide attainable housing options. The Province's plan is to address the housing crisis by targeting the creation of 1.5 million homes over a period to 2031. To implement this plan, the Act introduced several



changes to the *Planning Act*, along with nine other Acts including the Development Charges Act, which seek to increase the supply of housing.

The *More Homes Built Faster Act, 2022* received Royal Assent on November 28, 2022. Schedule 9 of the Act amends the Planning Act with respect to C.B.C. by-laws as follows:

- Subsection 37 (7.1) allows a municipality to enter into an agreement with a landowner for the provision of in-kind contributions. It also allows for this agreement to be registered on title of the land to which the charge applies (s.s.37 (7.2)).
- Subsections 37 (32), as amended, clarifies the application of the maximum prescribed percentage of the value of land for redevelopment. Where development or redevelopment is occurring on a parcel of land with an existing building or structure, the maximum C.B.C. that could be imposed is to be calculated based on the incremental development only.
- Subsection 37 (32.1) exempts affordable residential units, attainable residential units, inclusionary zoning residential units, and non-profit housing developments from the payment of a C.B.C. The current definitions for these development types are provided as follows, in reference to the D.C.A.:
 - Affordable Residential Units (Rented): Where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
 - Affordable Residential Units (Ownership): Where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
 - Attainable Residential Units: Excludes affordable units and rental units; will be defined¹ as prescribed development or class of development and sold to a person who is at "arm's length" from the seller.
 - Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws.
 - Affordable and attainable units, the municipality shall enter into an agreement that ensures the unit remains affordable or attainable for 25 years.

¹ Currently undefined, awaiting regulations from the Province.



1.2.4 Affordable Homes and Good Jobs Act, 2023 - Bill 134

The Ontario Legislature introduced new legislation through Bill 134, the *Affordable Homes and Good Jobs Act*, which received Royal Assent on December 4, 2023. The legislation impacts the D.C.A. and the *Planning Act* by amending the definition of an “affordable residential unit” for the purpose of exempting such developments from the payment of C.B.C., D.C., and parkland dedication requirements. Under the legislation, affordable residential units were defined and required the Minister of Municipal Affairs and Housing to publish an “Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin.” It is noted that for C.B.C. and parkland dedication requirements, the *Planning Act* refers to the D.C.A. in regard to the exemption for affordable residential units. This bulletin informs the average market rent and purchase price to be used in determining which developments qualify as affordable residential units. The bulletin was published by the Minister on May 1, 2024.

The *Affordable Homes and Good Jobs Act* provides for a modification to the affordable residential unit definition by:

- Introducing an income-based test for affordable rent and purchase price; and
- Increasing the threshold for the market test of affordable rent and purchase price.

This change provides the exemption based on the lesser of the two measures.

Moreover, the rules in subsection 4.1 of the D.C.A. are unchanged with respect to:

- The tenant and purchaser transacting the affordable unit being at arm’s length;
- The intent of maintaining the affordable residential unit definition for a 25-year period, requiring an agreement with the municipality (which may be registered on title); and
- Exemptions for attainable residential units and associated rules (requiring further regulations).

The following table provides a summary of the amended definition provided through the *Affordable Homes and Good Jobs Act* (underlining added for emphasis).



Table 1-1
Definition of Affordable Residential Units

Item	Bill 134 Definition (as per D.C.A. Definition)
Affordable residential unit rent (subsection 4.1 (2), para. 1)	The rent is no greater than <u>the lesser of</u> , <ul style="list-style-type: none">i. the <u>income-based affordable rent</u> for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing in accordance with subsection (5), andii. the <u>average market rent</u> identified for the residential unit set out in the Affordable Residential Units bulletin.
Average market rent/rent based on income (subsection 4.1 (5)) for the purposes of subsection 4.1 (2), para. 1	The Minister of Municipal Affairs and Housing shall, <ul style="list-style-type: none">(a) determine the <u>income of a household</u> that, in the Minister's opinion, is <u>at the 60th percentile of gross annual incomes for renter households in the applicable local municipality</u>; and(b) identify the <u>rent</u> that, in the Minister's opinion, is <u>equal to 30 per cent of the income of the household</u> referred to in clause (a).
Affordable residential unit ownership (subsection 4.1 (3), para. 1)	The price of the residential unit is no greater than <u>the lesser of</u> , <ul style="list-style-type: none">i. the <u>income-based affordable purchase price</u> for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing in accordance with subsection (6), andii. <u>90 per cent of the average purchase price</u> identified for the residential unit set out in the Affordable Residential Units bulletin.
Average market purchase price/purchase price based on income (subsection 4.1 (6)) for the purposes of subsection 4.1 (3), para. 1	The Minister of Municipal Affairs and Housing shall, <ul style="list-style-type: none">(a) determine the <u>income of a household</u> that, in the Minister's opinion, is <u>at the 60th percentile of gross annual incomes for households in the applicable local municipality</u>; and(b) identify the <u>purchase price</u> that, in the Minister's opinion, <u>would result in annual accommodation costs equal to 30 per cent of the income of the household</u> referred to in clause (a)

The affordable exemptions came into effect on June 1, 2024. The bulletin provides the affordable exemption criteria on a municipal-specific basis for C.B.C.s, D.C.s, and Parkland. It is anticipated that the bulletin will be updated annually, and currently provides the following information specific to Burlington:



- For Affordable Ownership Units: the average purchase price based on household income is \$474,300. Using the 90% of average purchase price amounts, the cost per unit types are as follows:
 - Detached House: \$1,269,000
 - Semi-Detached House: \$855,000
 - Row/townhouse: \$774,000
 - Condominium Apartment \$621,000
 - Based on the above, the affordable owned housing exemptions are based on income, which equals to purchase price being less than \$474,300 for all unit types.
- For Affordable Rental Units: the average rent based on household income would equal \$2,280 per month. The average market rent by unit type is as follows:
 - For a bachelor unit: \$1,192
 - For a 1-bedroom unit: \$1,621
 - For a 2-bedroom unit: \$1,831
 - For a unit with 3 or more bedrooms: \$1,819
 - Based on the above, the affordable rental housing exemptions are based on average market rent for all unit types.

1.3 Current Policies

The City currently imposes C.B.C.s under By-law 66-2022. It includes capital costs related to public and performance arts, parking, facilities, information technology, and growth-related studies that were not eligible under the D.C.A. at the time the by-law was passed.

1.4 Summary of the Process

Prior to passing a C.B.C. by-law, the *Planning Act* requires the City to consult with the public and such persons and public bodies it considers appropriate. As such, two consultation committee meetings were held on September 16, 2024 and October 17, 2024 to allow for feedback on the C.B.C. draft calculations and to answer any questions regarding its purpose, approach, and the proposed C.B.C. by-law. Other stakeholders and the general public will be given the opportunity to provide comments in writing until November 29, 2024. The feedback received from these consultations will inform the final C.B.C. Strategy and By-Law scheduled to be reported to City Council and the



public at the public meeting on December 2, 2024. Council's consideration of the By-law is anticipated at the Council meeting schedule for December 10, 2024.

Figure 1-1 provides an outline of the schedule to be followed with respect to the C.B.C. strategy and by-law adoption and implementation process.

Figure 1-1
City of Burlington
Schedule of Key Dates in the C.B.C. Strategy Process

Item	Date
Data collection, land valuation analysis, growth forecast development, capital needs assessment, staff review, C.B.C. calculations and policy work.	Spring 2024 to Fall 2024
Consultation Committee Meeting #1	September 16, 2024
Consultation Committee Meeting #2	October 17, 2024
Release of the C.B.C. Strategy and draft by-law	November 4, 2024
Public meeting of Council	December 2, 2024
Council considers adoption of C.B.C. strategy and passage of by-law	December 10, 2024
Anticipated by-law in-force date	January 1, 2025
Notice given of by-law passage	No later than 20 days after passage
Last day for by-law appeal	40 days after passage



Chapter 2

Anticipated Development in the City of Burlington



2. Anticipated Development

2.1 Requirement of the Act

The growth forecast contained in this chapter (with supplemental tables in Appendix A) provides for the anticipated development for which the City will be required to provide services over a 10-year (2024 to 2034) time horizon.

Chapter 3 provides the methodology for calculating a C.B.C. as per the *Planning Act*. Figure 3-1 presents this methodology schematically. It is noted in the first box of the schematic that in order to determine the C.B.C. that may be imposed, it is a requirement of section 37 (9) of the *Planning Act* and O. Reg. 509/20 that “the anticipated amount, type and location of development and redevelopment, for which a C.B.C. can be imposed, must be estimated.”

2.2 Basis of Population, Household and Employment Forecast

The C.B.C. growth forecast has been derived by Watson in consultation with City staff. In preparing the growth forecast, the following information sources were consulted to assess the residential and non-residential development potential for the City over the forecast period, including:

- Halton Region Official Plan, Office Consolidation, May 16, 2024;
- Halton Region Official Plan Review: Integrated Growth Management Strategy;
- City of Burlington Official Plan, as Approved by Region of Halton, November 30, 2020, July 2024;
- City of Burlington 2024 Development Charges Background Study, March 22, 2024, (as amended May 9, 2024); by Watson & Associates Economists Ltd.;
- City of Burlington Community Benefits Charge Strategy, August 17, 2022; by Watson & Associates Economists Ltd.;
- 2011, 2016 and 2021 population, household and employment Census data;
- Historical residential building permit data over the 2014 to 2023 period;
- Residential and non-residential supply opportunities as identified by City staff and
- Discussions from City staff regarding anticipated residential and non-residential development in the City.

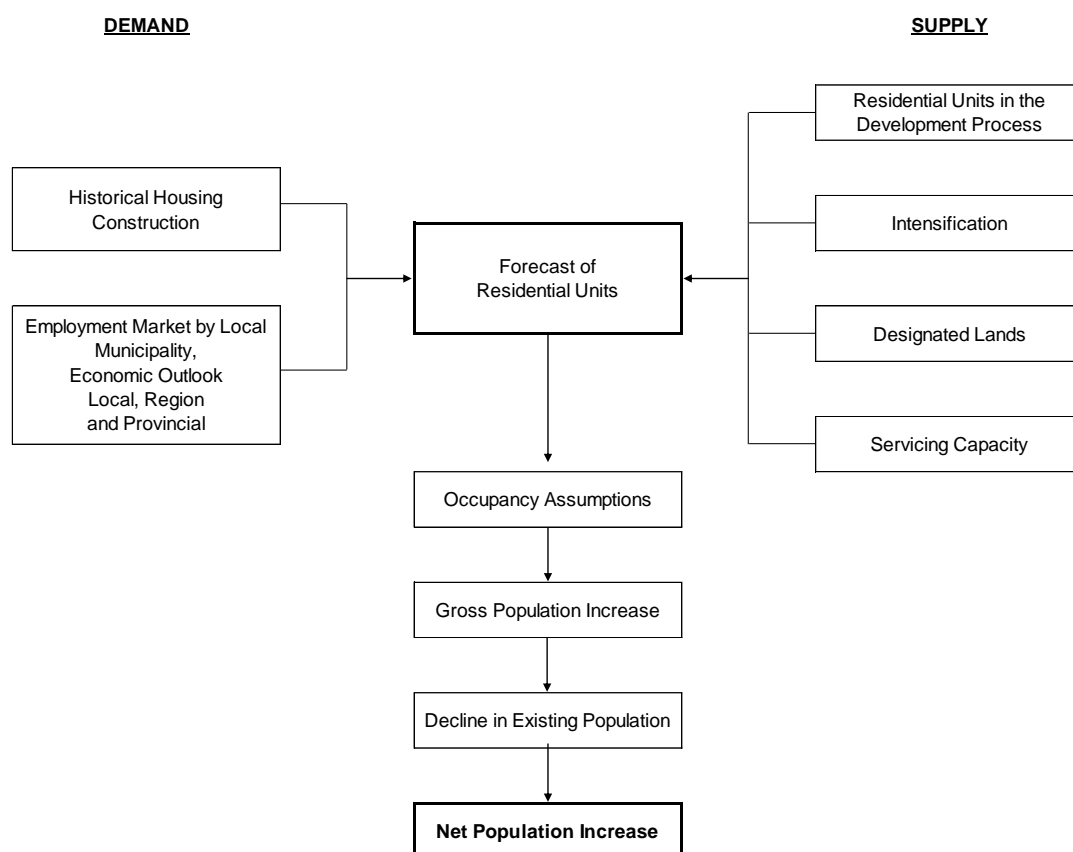


2.3 Summary of Growth Forecast

A detailed analysis of the residential and non-residential growth forecasts is provided in Appendix A and the methodology employed is illustrated in Figure 2-1. The discussion provided herein summarizes the anticipated growth for the City and describes the basis for the forecast. The results of the residential growth forecast analysis are summarized in Table 2-1 below, and Schedule 1 in Appendix A.

As identified in Table 2-1 and Schedule 1, the City's population (excluding Census undercount) is anticipated to reach approximately 210,990 by 2034, resulting in an increase of 22,620 persons, over the 2024 to 2034 forecast period.¹

Figure 2-1
Approach to Population and Housing Forecast



¹ The population figures used in the calculation of the 2024 C.B.C. exclude the net Census undercount, which is estimated at approximately 3.0%.



Table 2-1
City of Burlington
Residential Growth Forecast Summary

Year		Population (Including Census Undercount) ^[1]	Excluding Census Undercount			Housing Units						Person Per Unit (P.P.U.): Total Population/ Total Households
			Population	Institutional Population	Population Excluding Institutional Population	Singles & Semi- Detached	Multiple Dwellings ^[2]	Apartments ^[3]	Other	Total Households	Equivalent Institutional Households	
Historical	Mid 2011	181,120	175,779	2,289	173,490	39,189	13,702	15,819	69	68,779	2,081	2.556
	Mid 2016	188,890	183,314	3,189	180,125	39,855	14,085	17,270	165	71,375	2,899	2.568
	Mid 2021	192,630	186,948	2,993	183,955	39,885	14,430	18,740	115	73,170	2,721	2.555
Forecast	Early 2024	194,100	188,372	3,018	185,354	40,145	14,585	19,181	115	74,026	2,744	2.545
	Early 2034	217,400	210,989	3,394	207,595	41,063	15,624	28,402	115	85,205	3,085	2.476
Incremental	Mid 2011 - Mid 2016	7,770	7,535	900	6,635	666	383	1,451	96	2,596	818	
	Mid 2016 - Mid 2021	3,740	3,634	-196	3,830	30	345	1,470	-50	1,795	-178	
	Mid 2021 - Early 2024	1,470	1,424	25	1,399	260	155	441	0	856	23	
	Early 2024 - Early 2034	23,300	22,617	376	22,241	918	1,040	9,221	0	11,179	341	

^[1] Population includes the Census undercount estimated at approximately 3.0% and has been rounded.

^[2] Includes townhouses and apartments in duplexes.

^[3] Includes bachelor, 1-bedroom, and 2-bedroom+ apartment units.

Notes:

Numbers may not add due to rounding.

Source: Derived from the Halton Region Official Plan, Office Consolidation, May 16, 2024, by Watson & Associates Economists Ltd.



Provided below is a summary of the key assumptions and findings regarding the City's C.B.C. growth forecast:

1. Unit Mix (Appendix A – Schedules 1, 4 and 5)

- The housing unit mix for the City was derived from a detailed review of the City of Burlington historical development activity (as per Schedule 5), as well as active residential development applications (as per Schedule 4) and discussions with City staff regarding anticipated development trends for the City of Burlington.
- Based on the above indicators, the 2024 to 2034 household growth forecast for the City is comprised of a unit mix of 8% low density units (single detached and semi-detached), 9% medium density (multiples except apartments) and 83% high density (accessory units, bachelor, 1-bedroom, and 2+ bedroom apartments) units.

2. C.B.C. Eligible Units

- Subsection 37 (4) of the *Planning Act* establishes the criteria for a development to be C.B.C. eligible. A C.B.C. may be imposed if:
 - Development of a proposed building or structure has five or more storeys at or above ground and has 10 or more residential units;
 - Redevelopment of an existing building or structure that will have 5 or more storeys at or above ground after redevelopment and proposes to add 10 or more residential units to an existing building or structure; or
 - Such types of development or redevelopment as prescribed.
- The C.B.C. eligible unit forecast is derived based on the established criteria above and a detailed review of historical Census housing trends, historical development activity (as per Schedule 5), active residential development applications (as per Schedule 4) and discussions with City staff regarding anticipated C.B.C. eligible developments.
- Based on the above indicators, the City is forecasted to accommodate 8,561 C.B.C. eligible household units over the 2024 to 2034 forecast period. This translates to 93% of all high-density units, including accessory units, being C.B.C. eligible from 2024 to 2034.



3. Geographic Location of C.B.C. Eligible Residential Development (Appendix A – Schedule 2)

- Schedule 2 summarizes the anticipated amount, type and location of C.B.C.-eligible development for the City.
- In accordance with forecast demand and available land supply, the amount and percentage of forecast C.B.C. eligible housing growth between 2024 and 2034 is summarized in Table 2-2.

Table 2-2
City of Burlington
Residential High-Density Growth by Development Area

Development Location	High-Density Housing Growth, 2024 to 2034 ^[1]	C.B.C.- Eligible Share (%)	C.B.C.- Eligible Housing Growth, 2024 to 2034
City-Wide Total	9,221	93%	8,561

^[1] High density includes accessory apartments, bachelor, 1-bedroom, and 2-bedroom+ apartments.

Source: Watson & Associates Economists Ltd.

4. Planning Period

- For the purpose of this study, a 2024 to 2034 planning horizon has been assumed which aligns with the City's capital budget and forecast.

5. Population in New Units (Appendix A – Schedules 3 and 4)

- The number of housing units to be constructed by 2034 in the City over the forecast period is presented in Table 2-1. Over the 2024 to 2034 forecast period, the City is anticipated to average approximately 1,120 new housing units per year.
- Institutional population^[1] is anticipated to increase by approximately 380 people between 2024 to 2034.
- Population in new units is derived from Schedules 3 and 4 which incorporate historical development activity, anticipated units (see unit mix

^[1] Institutional population largely includes special care facilities such as nursing home or residences for senior citizens. A P.P.U. of 1.100 depicts 1-bedroom and 2-or-more-bedroom units in collective households.



discussion) and average persons per unit (P.P.U.) by dwelling type for new units.

- Schedule 7a summarizes the average P.P.U. assumed for new housing units by age and type of dwelling based on Statistics Canada 2021 custom Census data for the City of Burlington. Forecast average P.P.U.s by dwelling type are as follows:
 - Low density: 3.378
 - Medium density: 2.432
 - High density:^[1] 1.622

6. Existing Units and Population Change (Appendix A – Schedules 3 and 4)

- Existing households for 2024 are based on 2021 Census households, plus estimated residential units constructed between mid-2021 to the beginning of the growth forecast period, assuming a minimum six-month lag between construction and occupancy (see Schedule 3).
- The change in average occupancy levels for existing housing units is calculated in Schedules 3 and 4. The forecasted population change in existing households over the 10-year forecast period is forecast to increase by approximately 1,670.

7. Employment (Appendix A – Schedule 8)

- The employment projections provided herein are largely based on the activity rate method, which is defined as the number of jobs in the City divided by the number of residents.
- Employment data for the City is outlined in Schedule 8. In accordance with Statistics Canada Census data, the City's 2016 employment base including work at home and no fixed place of work (N.F.P.O.W.) is 95,490.^[2]
- Total employment, including work at home and N.F.P.O.W. for the City is anticipated to reach approximately 107,580 by 2034. This represents an employment increase of approximately 6,670 over the 10-year forecast period.

^[1] Includes accessory units, bachelor, 1-bedroom and 2-or-more-bedroom apartments

^[2] No fixed place of work is defined by Statistics Canada as "persons who do not go from home to the same workplace location at the beginning of each shift. Such persons include building and landscape contractors, travelling salespersons, independent truck drivers, etc."



- Schedule 8, Appendix A, summarizes the employment forecast, excluding work at home employment and N.F.P.O.W. employment, which is the basis for the C.B.C. employment forecast. The impact on municipal services from work at home employees has already been included in the population forecast. The need for municipal services related to N.F.P.O.W. employees has largely been included in the employment forecast by usual place of work (i.e., employment and gross floor area generated from N.F.P.O.W. construction employment).
- Total employment for the City (excluding work at home and N.F.P.O.W. employment) is anticipated to reach approximately 87,900 by 2034. This represents an employment increase of approximately 5,490 for the 10-year forecast period.^[1]

Based upon the above information, the following summaries are provided for use in the C.B.C. calculations presented in chapter 4, as follows:

- Approximately 81% of the net capital costs of services will be allocated to residential development based on incremental population and employment growth over the 10-year forecast period (Table 2-3);
- Approximately 71% of the population growth is forecasted to reside in high-density residential dwelling units (Table 2-4); and
- Approximately 93% of the population in high-density residential dwelling units are forecasted to reside in units to which the C.B.C. may be imposed (Table 2-5).

^[1] Employment associated within special care institutional dwellings is treated as residential. For the purposes of the C.B.C. calculations, total employment growth in Schedule 8 (excluding work at home and N.F.P.O.W. employment) has been downwardly adjusted to account for institutional employment associated with special care facilities. Total employment excluding jobs associated with special care facilities is anticipated to reach approximately 87,730 by 2034, an increase of approximately 5,320 for the 10-year forecast period.



Table 2-3
Residential and Non-Residential Share based on Incremental Growth in
Population and Employment over the 2024-2034 Forecast Period

Residential Population and Non-Residential Employment	Net Population/ Employment	Residential/ Non-Residential %
Residential Net Population	22,617	81%
Employment (Net of Work at Home & N.F.P.O.W.)	5,319	19%
Total Population & Employment	27,936	100%

Table 2-4
Low/Medium Density and High-Density Share of Forecast Gross Population over the
2024-2034 Forecast Period

Residential Density	Gross Residential Population	% of Gross Population in New Units
Low/Medium Density	5,629	27%
High Density	14,958	71%
Institutional Population	375	2%
Total Residential Forecast	20,962	100%

Table 2-5
Eligible C.B.C. High-Density Growth Share over the 2024-2034 Forecast Period

Residential High Density	Residential Population	% of Gross Population in High Density Units
Eligible High Density	13,887	93%
Ineligible High Density	1,071	7%
Total Residential High Density Forecast	14,958	100%



2.4 Land Valuation and Analysis

The C.B.C. cannot exceed an amount equal to the prescribed percentage of the value of the land on the date of building permit issuance. As such, the C.B.C. Strategy includes an assessment of the average land values in the City where the development and redevelopment are anticipated to be located. These land values assist in determining the eligible C.B.C. rate (currently prescribed at a maximum of 4% of land value).

Utilizing the information contained within the City's 2023 Parkland Analysis review, an assessment of land values for properties identified with an active development application was undertaken. This assessment examined approximately 49 applications, of which 35 related to high-density units. The average land value of these high-density units equated to \$21.4 million per hectare. This estimate has been used for purposes of the C.B.C. Strategy to estimate total potential land value for C.B.C. eligible high-density development.

Table 2-6
Estimated Hectares of Land and Associated Value of Anticipated C.B.C. Eligible Development over the 2024-2034 Forecast Period

C.B.C. Eligible Growth	Total
Forecast C.B.C. Eligible Units	8,561
Estimated High Density units per ha.	490
Estimated Hectares of Land	17.47
Average Land Value per ha.	\$21,400,000
Estimated Total Value of Land	\$373,888,571



Chapter 3

Approach to the Calculation

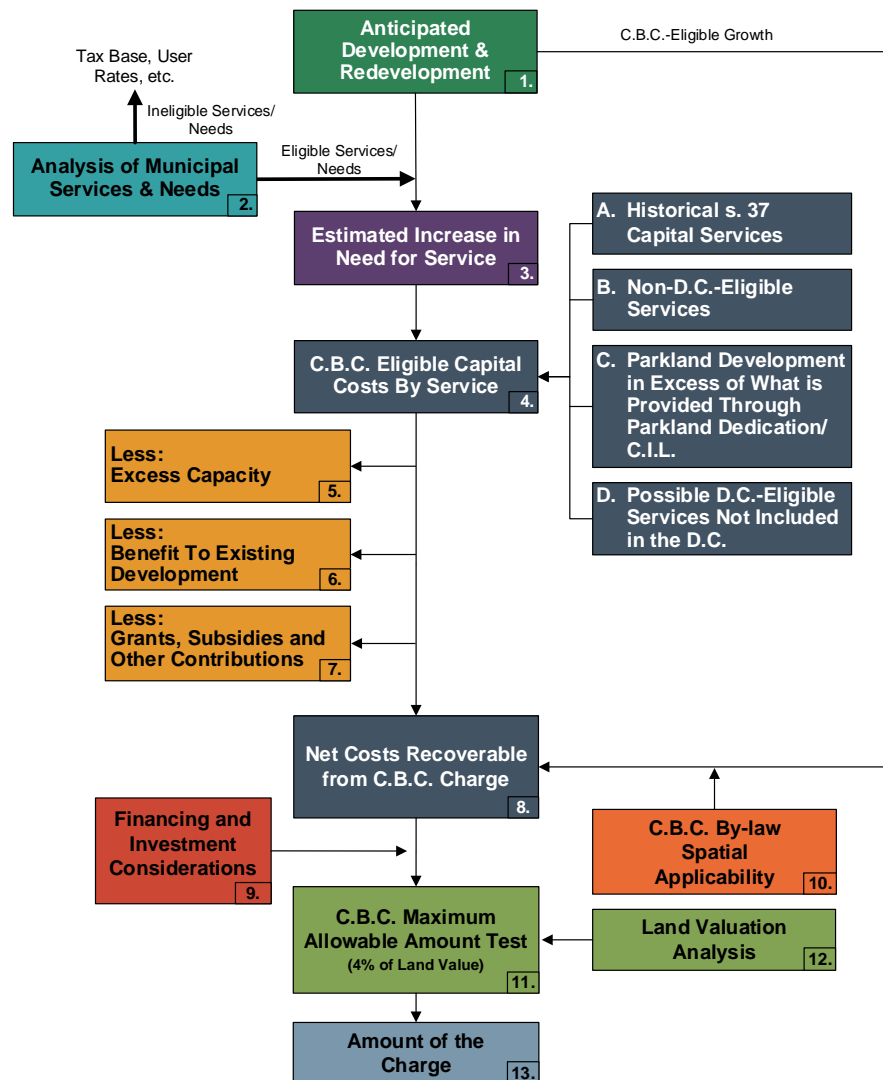


3. The Approach to the Calculation of the Charge

3.1 Introduction

This chapter addresses the requirements of subsection 37(9) of the *Planning Act* and sections 2 and 3 of O. Reg. 509/20 with respect to the establishment of the need for service which underpins the C.B.C. calculation. These requirements are illustrated schematically in Figure 3-1.

Figure 3-1
The Process of Calculating a Community Benefits Charge under the *Planning Act*





3.2 Anticipated Development and Redevelopment

The anticipated development and redevelopment forecast is provided in chapter 2 (with supplemental tables in Appendix A). This chapter provides for the anticipated overall growth within the City over a 10-year (2024 to 2034) time horizon and then estimates the residential units eligible to be considered as per section 37 (4) of the *Planning Act*.

3.3 Services Potentially Involved

As per section 37 (5) of the *Planning Act*, a C.B.C. may be imposed for services that do not conflict with services or projects provided under a municipality's D.C. by-law or Parkland dedication by-law. Hence, the service provided under the C.B.C. would be defined as follows:

- (a) land for parks or other public recreational purposes in excess of lands conveyed or funded by cash-in-lieu of parkland payments under sections 42 and 51 of the *Planning Act*;
- (b) capital costs for services under subsection 2 (4) of the D.C.A. that are not intended to be funded under a D.C. by-law; and
- (c) capital costs for municipal services ineligible for inclusion in a D.C. by-law.

Examples of services not provided by a D.C. or Parkland Dedication by-law include (but are not limited to) capital facilities and equipment for municipal parking, airports, municipal administration building expansions, museums, arts centres, public art, heritage preservation, landfill, public realm improvements, community gardens, space for non-profits, etc.

3.4 Increase in the Need for Service

Similar to a D.C., the C.B.C. calculation commences with an estimate of “the increase in the need for service attributable to the anticipated development,” for eligible services to be covered by the by-law. There must be some form of link or attribution between the anticipated development and the estimated increase in the need for service. While the need could potentially be expressed generally in terms of units of capacity, a project-specific expression of need would appear to be most appropriate. This is suggested by



the requirement of section 2 (e) of O. Reg. 509/20 which provides “include estimates of the capital costs necessary to provide the facilities, services and matters referred to in clause 2 (b).” As noted, this is a similar consideration provided when undertaking a D.C. calculation.

3.5 Capital Forecast

Section 37 (2) of the *Planning Act* provides that, “The council of a local municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters.” The *Planning Act* does not define what capital costs may be included within the charge. As noted in section 3.3 above, the Act provides that the C.B.C. charge could include capital costs for eligible D.C. services that are not intended to be funded under the City’s D.C. by-law. This provision suggests that capital costs may be defined in an equivalent manner as the D.C.A. Hence, based on this relationship with the D.C.A., capital costs may include:

- (a) costs to acquire land or an interest therein (including a leasehold interest);
- (b) costs to improve land;
- (c) costs to acquire, lease, construct or improve buildings and structures;
- (d) costs to acquire, lease or improve facilities, including rolling stock (with a useful life of 7 or more years), furniture and equipment (other than computer equipment), materials acquired for library circulation, reference, or information purposes;
- (e) interest on money borrowed to pay for the above-referenced costs;
- (f) costs to undertake studies in connection with the above-referenced matters; and
- (g) costs to undertake the C.B.C. Strategies.

3.6 Deductions

The section 2 of O. Reg. 509/20 potentially requires that three deductions be made to the capital costs estimates. These relate to:

- excess capacity;
- benefit to existing development; and
- anticipated grants, subsidies, and other contributions.

The requirements behind each of these reductions are addressed below.



3.6.1 Reduction for Excess Capacity

Section 2 (c) of O. Reg. 509/20 requires the identification of the excess capacity that exists in relation to the facilities, services and matters referred to in clause 2(b) suggesting the need for a potential deduction to the capital.

“Excess capacity” is undefined, but in this case, the excess capacity must be able to meet some or all of the increase in need for service, in order to potentially represent a deduction. The deduction of excess capacity from the future increase in the need for the service would normally occur as part of the conceptual planning and feasibility work associated with justifying and sizing new facilities, e.g., if a new landfill site to accommodate increased solid waste generated by the new growth is not required because sufficient excess capacity is already available, then a landfill site expansion would not be included as an increase in need, in the first instance.

3.6.2 Reduction for Benefit to Existing Development

Section 2 (c) of O. Reg. 509/20 of the *Planning Act* provides that the capital estimates identify extent to which an increase in a facility, service or matter referred to in clause 2 (b) of the regulation would benefit existing development. The general guidelines used to consider benefit to existing development included:

- the repair or unexpanded replacement of existing assets that are in need of repair;
- the elimination of a chronic servicing problem not created by growth; and
- providing services where none previously existed (for example, extending garbage pickup to the rural area which previously did not receive the municipal service).

Where existing development has an adequate service level which will not be tangibly increased by an increase in service, no benefit would appear to be involved. For example, where expanding existing garbage collection vehicles simply replicates what existing residents are receiving, they receive very limited (or no) benefit as a result. On the other hand, where a clear existing service problem is to be remedied, a deduction should be made accordingly.

In the case of services such as cultural facilities, the service is typically provided on a municipal-wide system basis. For example, facilities of the same type may provide



different services (i.e., art vs. theatre), different programs (i.e., art classes vs. acting classes), and different time availability for the same service (i.e., art classes available on Wednesdays in one facility and Thursdays in another). As a result, residents will travel to different facilities to access the services they want at the times they wish to use them, and facility location generally does not correlate directly with residence location. Even where it does, displacing users from an existing facility to a new facility frees up capacity for use by others and generally results in only a very limited benefit to existing development. Further, where an increase in demand is not met for a number of years, a negative service impact to existing development is involved for a portion of the planning period.

3.6.3 Reduction for Anticipated Grants, Subsidies and Other Contributions

This step involves reducing the capital costs by capital grants, subsidies, and other contributions made or anticipated by Council and in accordance with various rules such as the attribution between the share related to new vs. existing development. That is, some grants and contributions may not specifically be applicable to growth or where Council targets fundraising as a measure to offset impacts on taxes.

Although specific grants, subsidies and/or other contributions may not be currently identified and reduced in the calculations, due diligence will be undertaken by City staff during the annual budget process to net off any future identified funding from these other sources.

3.7 Municipal-wide vs. Area Rating

This step involves determining whether all of the subject costs are to be recovered on a uniform municipal-wide basis or whether some or all are to be recovered on an area-specific basis. Unlike D.C.s, there is no mandatory requirement to consider area rating of services (providing charges for specific areas and services); however, the legislation does not prohibit area rating. There may be instances where Council may consider varying rates to align with other policies or possible incentives in the development area.

The City's current C.B.C. by-law provides the charge on a City-wide basis. As the services being provided in the C.B.C. strategy are not restricted to one specific area and are anticipated to be used by all residents within the municipality, the City-wide approach has been continued. Although the charges are to be calculated and imposed



on a City-wide basis, consideration of location of the projects will take place through the annual budget process.

3.8 Land Valuation Analysis

To facilitate the rate calculation provided in section 3.9, an estimate of the market value of the land related to the anticipated applicable development/redevelopment presented in section 3.2, needs to be undertaken. It is noted that the land values may vary based on a number of factors including location, zoning density, parcel size, etc., however, these values should estimate the land value the day before building permit issuance. This data may be available from municipal staff, or the municipality may consider engaging the assistance of a land appraiser.

3.9 Calculation of the Community Benefits Charge

Section 37(32) of the *Planning Act* provides that the maximum charge which can be imposed is prescribed by the regulations. O. Reg 509/20 section 3 provides that the maximum charge is to be 4%.

To calculate the rate, the net capital cost (provided by netting the deductions set out in section 3.6 from the capital presented in section 3.5) divided by the land values related to the anticipated applicable development/redevelopment produces a percentage of the capital cost to the land value. The product of this calculation provides for the eligible rate. As noted above, the maximum rate to be imposed is 4%; hence, the rate can be any rate between 0% and 4%.

Alternatively, a municipality may choose to impose a rate on another basis. For example, the charge could be calculated on a per dwelling unit basis similar to a D.C. This calculation would be facilitated by dividing the net capital cost by the forecast incremental gross population growth to arrive at a C.B.C. per capita. This rate would then be applied to the person per unit occupancy assumptions for high-density residential dwelling units to determine the charge. Moreover, the charge could be denominated based on land area, where the net capital costs would be divided by the amount of land anticipated to be occupied by the forecast residential dwelling units constructed over the forecast period.



Chapter 4

C.B.C. Eligible Cost Analysis



4. C.B.C. Eligible Cost Analysis

4.1 Introduction

This chapter outlines the basis for calculating eligible costs to be recovered through a C.B.C. by-law, which are to be applied on a uniform City-wide basis. In each case, the required calculation process set out in O. Reg. 509/20, section 2 (a) through (f) to the *Planning Act*, and described in Chapter 3 was followed in determining C.B.C. eligible costs.

The nature of the capital projects and timing identified in this chapter reflects City staff's directions based on a prioritization review of various growth-related needs included in the City's 2024 capital budget and forecast. In addition, parkland capital costs in excess of amounts that are recoverable under the City's current parkland dedication by-law have been included in the calculations. However, it is recognized that over time, capital projects and Council priorities change, which may alter the timing and/or capital projects required to service growth.

Based on the amount of parkland that is not recoverable under the City's parkland by-law (as outlined in Table 4-1), the recovery of the costs associated with this service will be the primary capital consideration for the C.B.C. Strategy.

4.2 Allocation of Costs to C.B.C Eligible Development

The net growth-related capital costs that are allocated to the C.B.C. eligible share of the anticipated developments are based on the following conventions:

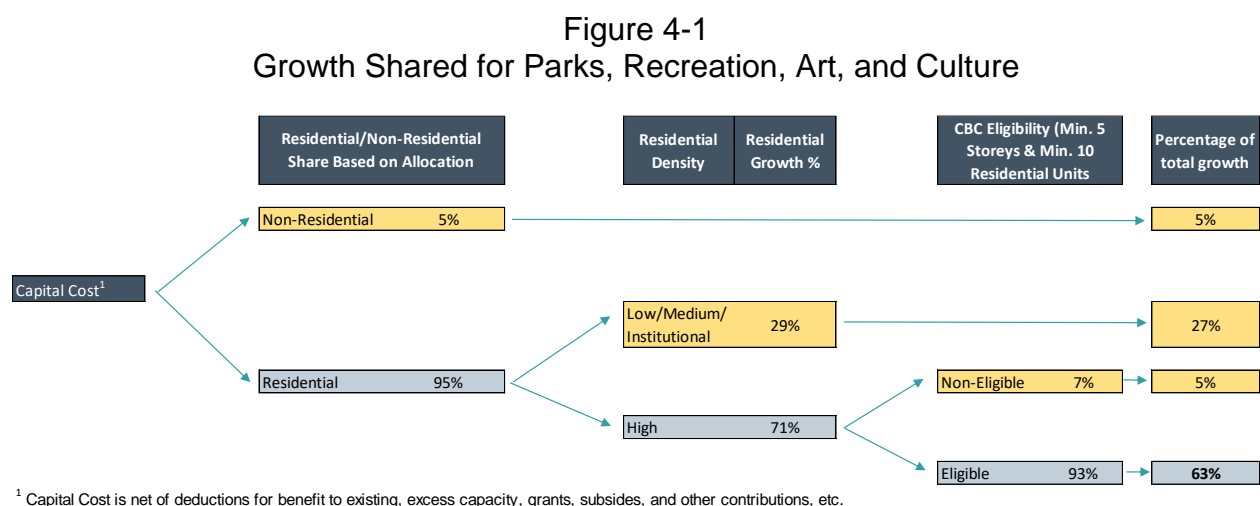
- The net growth-related costs for parkland services are allocated 95% to residential development and 5% to non-residential development, mirroring the City's 2024 D.C. Background Study. This allocation is reflective of the increase in need for service principally attributable to address the demands of residential development.
- Subsequent to the above allocations, the resultant net growth-related residential capital costs were then allocated between the forecast anticipated residential development by type. These allocations are based on the



low/medium/institutional residential developments and the high-density residential developments, and were allocated 29% and 71%, respectively.

- Finally, the growth-related net capital costs attributable to high-density residential development were apportioned between the forecast C.B.C. eligible development (i.e., buildings with a minimum of five storeys and at least 10 residential dwelling units) and forecast high-density development below this threshold. As such 93% of the costs have been allocated to the eligible high density residential development.

Figure 4-1 provides a flow chart of the capital cost shares assigned to parks, recreation, art, and cultural services, which results in a 63% recovery of growth-related costs through the C.B.C.



4.3 C.B.C. Eligible Cost Analysis

This section provides for the evaluation of development-related capital requirements over a 10-year (2024 to 2034) planning horizon. As described in Section 4.1, the City's parkland dedication amounts that are not recoverable under the Parkland Dedication by-law will be the sole capital consideration of the C.B.C. strategy due to the magnitude of the costs. This parkland dedication amount (in excess of the parkland dedication by-law recovery) over the 10-year planning period is approximately \$141.59 million. Based on the percentage allocations shown on Figure 4-1, the total cost included in the calculation of the C.B.C. is approximately \$89.12 million.



Table 4-1
Capital Infrastructure Needs to be Recovered through C.B.C.s for Parkland

Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Cost Estimate (2024\$)	Less:		Net Growth-Related Cost	Total Non-Residential Share	Total Residential Share	Low/Medium Density Residential	Total High Density Residential	Potential C.B.C. Recoverable Cost	
			Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development						Ineligible High Density Residential	Eligible High Density Residential
2024 to 2034						5%	95%	29%	71%	7%	93%
From Parkland Dedication											
Parkland Dedication Amount (Non-parkland by-law recoverable)	2024-2034	141,588,245	-		141,588,245	7,079,412	134,508,832	38,528,268	95,980,564	6,872,714	89,107,850
Total		141,588,245	-	-	141,588,245	7,079,412	134,508,832	38,528,268	95,980,564	6,872,714	89,107,850



Chapter 5

C.B.C. Calculation



5. C.B.C. Calculation

5.1 Anticipated Funding Recovery

To summarize the calculation of the charge, the following has been undertaken:

- 1) Anticipated Development: As presented in Chapter 2, the 10-year growth forecast provides for 8,561 eligible high-density units (i.e., in buildings containing a minimum of five storeys and a minimum of 10 residential units).
- 2) Land Valuation: The estimated density and average land value per hectare were based on the 2023 Parkland Analysis completed for the City. As such, the average land value per hectare was calculated to be \$21.4 million, with a total estimated value of approximately \$373.9 million.
- 3) Identification of Services: The sole service identified for recovery in this C.B.C. Strategy is Parkland.
- 4) C.B.C. Eligible Costs: The parkland capital needs are based on the requirements identified through the City's 2023 parkland analysis and in discussions with City staff. The costs were assessed based on the incremental need for parkland for new developments within the City. The growth-related costs were allocated amongst anticipated development types to calculate the amount that is associated with the development of C.B.C. eligible high-density residential dwelling units.
- 5) Maximum C.B.C.: As per the *Planning Act*, the maximum a municipality can impose for a C.B.C. is equal to 4% of the land value of a property, the day before building permit issuance. Based on the total land value presented in Table 5-1, the estimated potential C.B.C. recovery for the City equates to approximately \$14.96 million for the 10-year forecast period (after the adjustment for the deduction related to the existing population incline).

The City has identified capital costs attributable to eligible high-density growth of approximately \$66.75 million which are in excess of the calculated maximum allowable amount of approximately \$14.96 million.

Based on the foregoing, C.B.C. funding will not provide sufficient funding for all growth-related capital costs identified in the Table 4-1. This shortfall in funding is estimated based on the forecast development, land values estimate, growth-related capital needs attributable to C.B.C. eligible high-density development, and the current legislated



restriction of 4% of land value. The C.B.C. Strategy recommends imposing the maximum permissible under the *Planning Act*, i.e. 4% of land value. As such, the City will have to consider the highest capital priorities to be funded with C.B.C. revenues during the annual budget process.

Table 5-1
City of Burlington
Community Benefits Charge Calculation
2024 -2034

Service	Gross Capital Cost Estimate (2024\$)	C.B.C.-Eligible Cost (2024\$)	Deduction for Existing Population Incline	Net C.B.C.- Eligible Cost (2024\$)
Parkland	\$141,588,245	\$89,107,850	-\$7,398,999	\$81,708,851
Total	\$141,588,245	\$89,107,850	-\$7,398,999	\$81,708,851
Anticipated C.B.C. Residential Dwelling Units (2024-2034)				8,561
Density Assumption (units per hectare)				490
Land Area for Residential Dwelling Unit Forecast (hectares)				17.5
Estimated Average Land Value (\$/hectare)				\$21,400,000
Total Estimated Land Value				\$373,888,571
Maximum Prescribed Value (4% of land value)				\$14,955,543
Total C.B.C. Required to Fund Needs (% of land value)				21.9%
Maximum C.B.C. Amounts				4.0%



Chapter 6

C.B.C. Policy Recommendations and C.B.C. By-law Rules



6. C.B.C. Policy Recommendations and C.B.C. By-law Rules

6.1 C.B.C. Policies

Section 37 of the *Planning Act* and O. Reg. 509/20 outline the required policies that must be considered when adopting a C.B.C. by-law. The following subsections set out the recommended policies governing the calculation, payment, and collection of C.B.C.s in accordance with the legislation.

This report provides the draft C.B.C. by-law, in Appendix B. The by-law provides for the statutory C.B.C. exemptions required under the *Planning Act*.

It is noted that the *More Homes Built Faster Act*, provided for changes to the *Planning Act* related to C.B.C.s. These changes include additional statutory exemptions from payment of C.B.C.s for affordable and attainable residential units. The exemption for affordable and attainable residential units will be in effect at the time of C.B.C. by-law passage, however, the exemption related to attainable residential units requires to be further prescribed prior to being applicable. The draft C.B.C. by-law has provided for these exemptions to ensure the legislative requirements are met.

6.2 C.B.C. By-law Rules

6.2.1 *Payment in any Particular Case*

In accordance with the *Planning Act*, subsection 37 (3), a C.B.C. may be imposed only with respect to development or redevelopment that requires one of the following:

- (a) “the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
- (b) the approval of a minor variance under section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
- (e) a consent under section 53 of the *Planning Act*;
- (f) the approval of a description under section 9 of the *Condominium Act, 1998*; or



(g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.”

6.2.2 Maximum Amount of the Community Benefits Charge

Subsection 37 (32) of the *Planning Act* states that the amount of a C.B.C. payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.

Based on section 3 of O. Reg. 509/20, the prescribed percentage is 4%. The C.B.C. Strategy recommends imposing the maximum prescribed rate.

6.2.3 Exemptions (full or partial)

The following exemptions are provided under subsection 37 (4) of the *Planning Act* and section 1 of O. Reg. 509/20:

- Development of a proposed building or structure with fewer than five storeys at or above ground;
- Development of a proposed building or structure with fewer than 10 residential units;
- Redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;
- Redevelopment that proposes to add fewer than 10 residential units to an existing building or structure;
- Such types of development or redevelopment as are prescribed:
 - Development or redevelopment of a building or structure intended for use as a long-term care home within the meaning of subsection 2 (1) of the *Fixing Long-Term Care Act, 2021*.
 - Development or redevelopment of a building or structure intended for use as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*.
 - Development or redevelopment of a building or structure intended for use by any of the following post-secondary institutions for the objects of the institution:
 - i. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,



- ii. a college or university federated or affiliated with a university described in subparagraph i,
 - iii. an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.
- Development or redevelopment of a building or structure intended for use as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion.
- Development or redevelopment of a building or structure intended for use as a hospice to provide end of life care.
- Development or redevelopment of a building or structure intended for use as residential premises by any of the following entities:
 - i. a corporation to which the *Not-for-Profit Corporations Act, 2010* applies that is in good standing under that Act and whose primary object is to provide housing,
 - ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing,
 - iii. a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.
- Development of Attainable Residential Units, which excludes affordable units and rental units, will be defined as a prescribed development or class of development, and sold to a person who is at "arm's length" from the seller.
- Development of Affordable Residential Units, as defined as:
 - i. Affordable Rental Units: Where the rent is no greater than the lesser of:
 - The income-based affordable rent for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing; and
 - The average market rent identified for the residential unit set out in the Affordable Residential Units bulletin
 - ii. Affordable Owned Units: Where the price of the residential unit is greater than the lesser of:
 - The income-based affordable purchase price for the residential unit set out in the Affordable Residential Units



- bulletin, as identified by the Minister of Municipal Affairs and Housing; and
- 90 per cent of the average purchase price identified for the residential unit set out in the Affordable Residential Units bulletin.
- and sold to a person who is at "arm's length" from the seller
- iii. Note: for affordable and attainable units, the municipality shall enter into an agreement that ensures the unit remains affordable or attainable for 25 years.
- iv. The bulletin refers to the "*Development Charges Act, 1997* Bulletin" published by the Ministry of Municipal Affairs and Housing.
- Development of Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws.

In addition to the exemptions noted above, the C.B.C. will not apply to buildings or structures owned by and used for the purposes of any municipality, local board, or Board of Education; affordable units within a development, and to developments where a previously executed Section 37 community benefits agreement is in place. However, if a change is proposed to a development subject to a Section 37 agreement (for example an increase in the approved unit count), the change would be subject to the C.B.C by-law.

6.2.4 Timing of Collection

The C.B.C.s imposed are calculated, payable, and collected upon issuance of a building permit for eligible development or redevelopment.

6.2.5 In-kind Contributions

A municipality that has passed a C.B.C. by-law may allow the landowner to provide to the municipality: facilities, services, or matters required because of development or redevelopment in the area to which the by-law applies.

Prior to providing these contributions, the municipality shall advise the landowner of the value that of the in-kind contributions that will be attributed to them. As part of this valuation, the contributing landowner will be expected to provide any valuation documents as backup or alternatively, staff will investigate and assign a reasonable



value to the in-kind contribution. This value shall be deducted from the amount the landowner would otherwise be required to pay under the C.B.C. by-law.

6.2.6 The Applicable Areas

The C.B.C. by-law will apply to all lands within the City.

6.2.7 Special Account

All money received by the municipality under a C.B.C. by-law shall be paid into a special account. The money contained within the special account:

- may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001*, and the earnings derived from the investment of the money shall be paid into a special reserve fund account; and
- must have at least 60 percent of the funds spent or allocated at the beginning of the year.

In addition to the monies collected under a C.B.C. by-law, transitional rules for transferring existing reserve funds are provided in subsection 37 (51) of the *Planning Act*. These rules apply for any existing reserve funds related to a service that is not listed in subsection 2 (4) of the D.C.A., as well as reserve funds established under section 37 of the *Planning Act* prior to Bill 197.

1. If the municipality passes a C.B.C. by-law under this section before the specified date, the municipality shall, on the day it passes the by-law, allocate the money in the special account or reserve fund to the special account referred to in subsection (45) of the *Planning Act*.
2. If the municipality has not passed a C.B.C. by-law under this section before the specified date, the special account or reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the special account or reserve fund was collected.
3. Despite paragraph 2, subsection 417 (4) of the *Municipal Act, 2001* (a provision which requires the funds raised for a reserve fund must only be used for the intended purpose) and any equivalent provision do not apply with respect to the general capital reserve fund referred to in paragraph 2.
4. If paragraph 2 applies and the municipality passes a C.B.C. by-law under this section on or after the specified date, the municipality shall, on the day it passes



the by-law, allocate any money remaining in the general capital reserve fund referred to in paragraph 2 to the special account referred to in subsection (45) of the Planning Act.

6.2.8 Credits

Subsection 37 (52) of the *Planning Act* indicates that any credits that were established under section 38 of the D.C.A. and that are not related to a service that is listed in subsection 2 (4) of the D.C.A., may be used by the holder of the credit with respect to a charge that the holder is required to pay under a C.B.C. by-law.

6.2.9 By-law In-Force Date

A C.B.C. by-law comes into force on the day it is passed, or the day specified Council in the by-law, whichever is later. The anticipated by-law in-force date is January 1, 2025.

6.3 Recommendations

It is recommended that Council:

Adopt the C.B.C. approach to calculate the charges on a uniform City-wide basis;

Approve the capital project listing set out in Chapter 4 of the C.B.C. Strategy dated November 4, 2024, subject to further annual review during the capital budget process;

Approve the C.B.C. Strategy dated November 4, 2024;

Determine that no further public consultation is required; and

Approve the C.B.C. By-law.



Chapter 7

By-law Implementation



7. By-law Implementation

7.1 Introduction

This chapter addresses the public consultation process and by-law implementation requirements for the imposition of a C.B.C. by-law. Figure 7-1 provides an overview of the process.

7.2 Public Consultation Process

7.2.1 *Required Consultation*

In establishing the policy for which a C.B.C. strategy and by-law will be based; section 37 (10) of the Planning Act requires that:

“In preparing the community benefits strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate.”

As there is no specific guidance as to which parties the municipality shall consult with, municipalities may establish their own policy for public consultation. The policy for public consultation should be designed to seek the co-operation and participation of those involved, in order to produce the most suitable policy. Municipalities may consider a public meeting, similar to that undertaken for D.C. study processes (however, this is not a mandated requirement). At a minimum, this would include a presentation to Council and the public on the findings of the C.B.C. strategy, advanced notice of the meeting, and consideration for delegations from the public.

7.2.2 *Interested Parties to Consult*

There are three broad groupings of the public who are generally the most concerned with municipal C.B.C. policy.

1. The first grouping is the residential development community, consisting of land developers and builders, who will typically be responsible for generating the majority of the C.B.C. revenues. Others, such as realtors, are directly impacted by C.B.C. policy. They are, therefore, potentially interested in all aspects of the charge, particularly the percentage applicable to their properties, projects to be



funded by the C.B.C. and the timing thereof, and municipal policy with respect to development agreements and in-kind contributions.

2. The second public grouping embraces the public at large and includes taxpayer coalition groups and others interested in public policy.
3. The third grouping is the non-residential mixed-use development sector, consisting of land developers and major owners or organizations with significant construction plans for mixed use developments. Also involved are organizations such as Industry Associations, the Chamber of Commerce, the Board of Trade, and the Economic Development Agencies, who are all potentially interested in municipal C.B.C. policy. Their primary concern is frequently with the percentage charge applicable to their lands, exemptions, and phase-in or capping provisions in order to moderate the impact.

As noted in Section 1.4, through the C.B.C. strategy process, the City's consultation process includes having a public meeting of Council and notifying key stakeholders.

7.3 Anticipated Impact of the Charge on Development

The establishment of sound C.B.C. policy often requires the achievement of an acceptable balance between two competing realities. The first is that increased residential development fees (such as a C.B.C.) can ultimately be expected to be recovered via higher housing prices and can impact project feasibility in some cases (e.g., rental apartments). Secondly, C.B.C.s or other municipal capital funding sources need to be obtained in order to help ensure that the necessary infrastructure and amenities are installed. The timely installation of such works is a key initiative in providing adequate service levels and in facilitating strong economic growth, investment, and wealth generation.

7.4 Implementation Requirements

7.4.1 Introduction

Once the City has calculated the charge, prepared the complete C.B.C. strategy, carried out the public process, and passed a new by-law, the emphasis shifts to implementation matters.



These include notices, potential appeals and complaints, in-kind contributions, and finally the collection of revenues and funding of projects.

The sections that follow provide an overview of the requirements in each case.

7.4.2 Notice of Passage

In accordance with subsection 37 (13) of the Planning Act, when a C.B.C. by-law is passed, the clerk of the municipality shall give written notice of the passing and of the last day for appealing the by-law (the day that is 40 days after the day it was passed). Such notice must be given no later than 20 days after the day the by-law is passed (i.e., as of the day of newspaper publication or the mailing of the notice).

Section 4 of O. Reg. 509/20 further defines the notice requirements which are summarized as follows:

- notice shall be given by publication in a newspaper which is (in the clerk's opinion) of sufficient circulation to give the public reasonable notice, or by personal service, fax, or mail to every owner of land in the area to which the by-law relates. If a newspaper does not exist, the notice shall be posted on the website of the municipality;
- subsection 4 (2) lists the persons/organizations who must be given notice; and
- subsection 4 (5) lists the seven items that the notice must cover.

7.4.3 Appeals

Subsections 37 (13) to 37 (31) of the Planning Act set out the requirements relative to making and processing a C.B.C. by-law appeal as well as an OLT hearing in response to an appeal. Any person or organization may appeal a C.B.C. by-law to the OLT by filing a notice of appeal with the clerk of the municipality, setting out the objection to the by-law and the reasons supporting the objection. This must be done by the last day for appealing the by-law, which is 40 days after the by-law is passed.

The municipality is carrying out a public consultation process, in order to address the issues that come forward as part of that process, thereby avoiding or reducing the need for an appeal to be made.

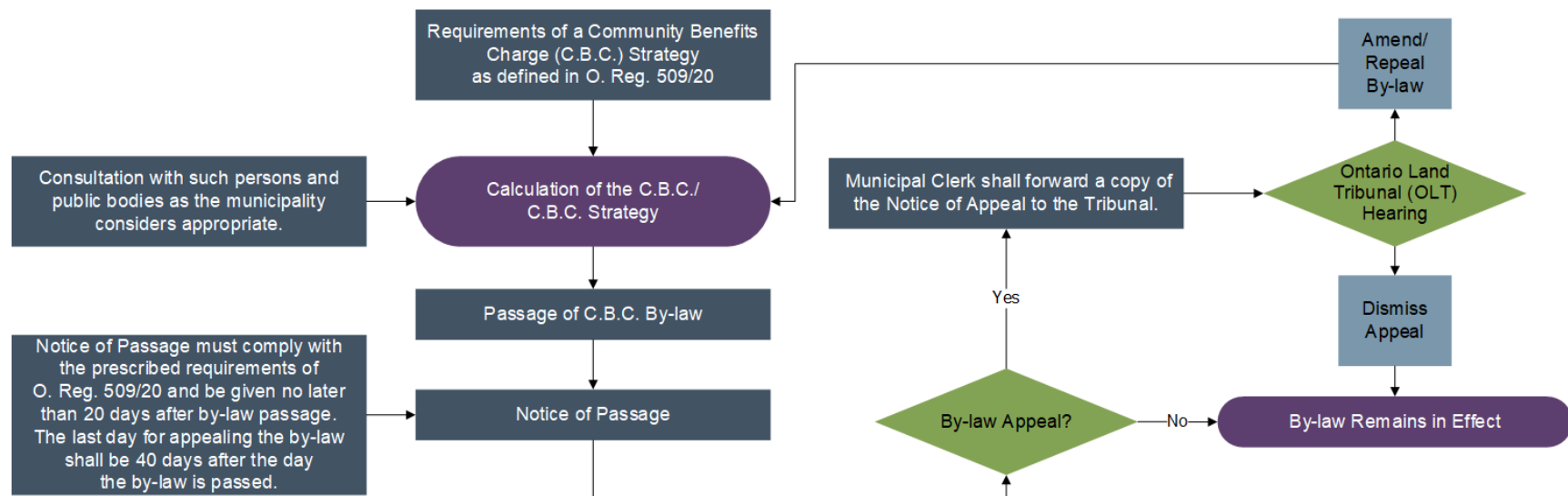


7.4.4 In-Kind Contributions

Subsections 37 (6) to 37 (8) provide the rules for in-kind contributions. An owner of land may provide the municipality facilities, services, or matters required because of development or redevelopment in the area to which the by-law applies. Prior to providing these contributions, the municipality shall enter into an agreement with the owner of the land and advise the owner of the value that will be attributed to the contributions. The value of the contributions shall be deducted from the amount the owner of the land would otherwise have to pay under the C.B.C. by-law.



Figure 7-1
The Process of Required for Passing a Community Benefits Charge By-law under the *Planning Act*





7.5 Ongoing Application and Collection of C.B.C. funds

7.5.1 *Introductions*

Once the municipality passes a C.B.C. by-law, development or redevelopment that meets the requirements of the C.B.C. by-law will pay a C.B.C. based on the value of their land. The following sections describe the overall process and discusses the approach to appraisals and use of the special account as set out in the Planning Act.

7.5.2 *Overview of Process and Appraisals*

Figure 7-2 provides an overview of the process for application of the C.B.C. by-law and collection of C.B.C. funds.

Once the C.B.C. by-law is in place, as development or redevelopment that meets the eligibility criteria proceeds (i.e., prior to issuance of a building permit), the municipality collects C.B.C.s based on the per unit charge as set out in the by-law and C.B.C. strategy.

If the landowner is of the view that the amount of the C.B.C. exceeds the prescribed value of 4% of their land value on the day before building permit issuance, the landowner may pay the charge under protest. In this circumstance there is an obligation of the landowner to provide an appraisal. If the municipality disputes the value of the land identified in the landowner's appraisal, the municipality must also provide the owner with an appraisal within the prescribed time period.

If the City agrees with the landowner's appraised value, then the owner pays their C.B.C.s based on 4% of the land value to the City and the funds will then be deposited into the special account.

If the City does not agree with the appraisal provided by the owner, the City has 45 days to provide the owner of the land with their own appraisal value. Then:

- If no appraisal is provided to the owner within 45 days, the owner's appraisal is deemed accurate and the difference in the amounts shall be refunded to the owner.



- If the municipality's appraisal is within 5% of the landowner's appraisal, the landowner's appraisal is deemed accurate, and the municipality shall refund the difference in the amounts to the owner.
- If the municipality's appraisal is more than 5% higher than the landowner's appraisal, the municipality shall request an appraisal be undertaken by an appraiser, selected by the landowner, from the list of approved appraisers provided by the municipality. This must be undertaken within 60 days. This final appraisal is deemed accurate for the purposes of calculating the applicable C.B.C.
- In regard to the last bullet, subsection 37 (42) and 37 (43) require the municipality to maintain a list of at least three persons who are not employees of the municipality or members of Council and have an agreement with the municipality to perform appraisals for the above. This list is to be maintained until the C.B.C. by-law is repealed or the day on which there is no longer any refund that could be required (whichever is later).

7.5.3 Special Reserve Fund Account

All funds collected under the C.B.C. by-law are to be deposited into a special account. Subsections 37 (45) to 37 (48) of the *Planning Act* outline the rules with respect to the special reserve fund account. As noted in section 6.2.7, these rules are as follows:

- All money received under a C.B.C. by-law shall be paid into a special account;
- The money in the special account may be invested in securities (as permitted under the *Municipal Act*) and the interest earnings shall be paid into the special account;
- In each year, a municipality shall spend or allocate at least 60 percent of the monies that are in the special account at the beginning of the year; and
- The municipality shall provide reports and information as set out in section 7 of O. Reg. 509/20
- In regard to the third bullet, it is suggested that the annual capital budget for the City directly list the works which are being undertaken and/or to which monies from this fund are being allocated toward.

As per this C.B.C. strategy, the growth-related services (as outlined in Chapter 4), form the anticipated capital needs required to service growth over the 10-year forecast period. However, other services may be considered by Council in the future and are

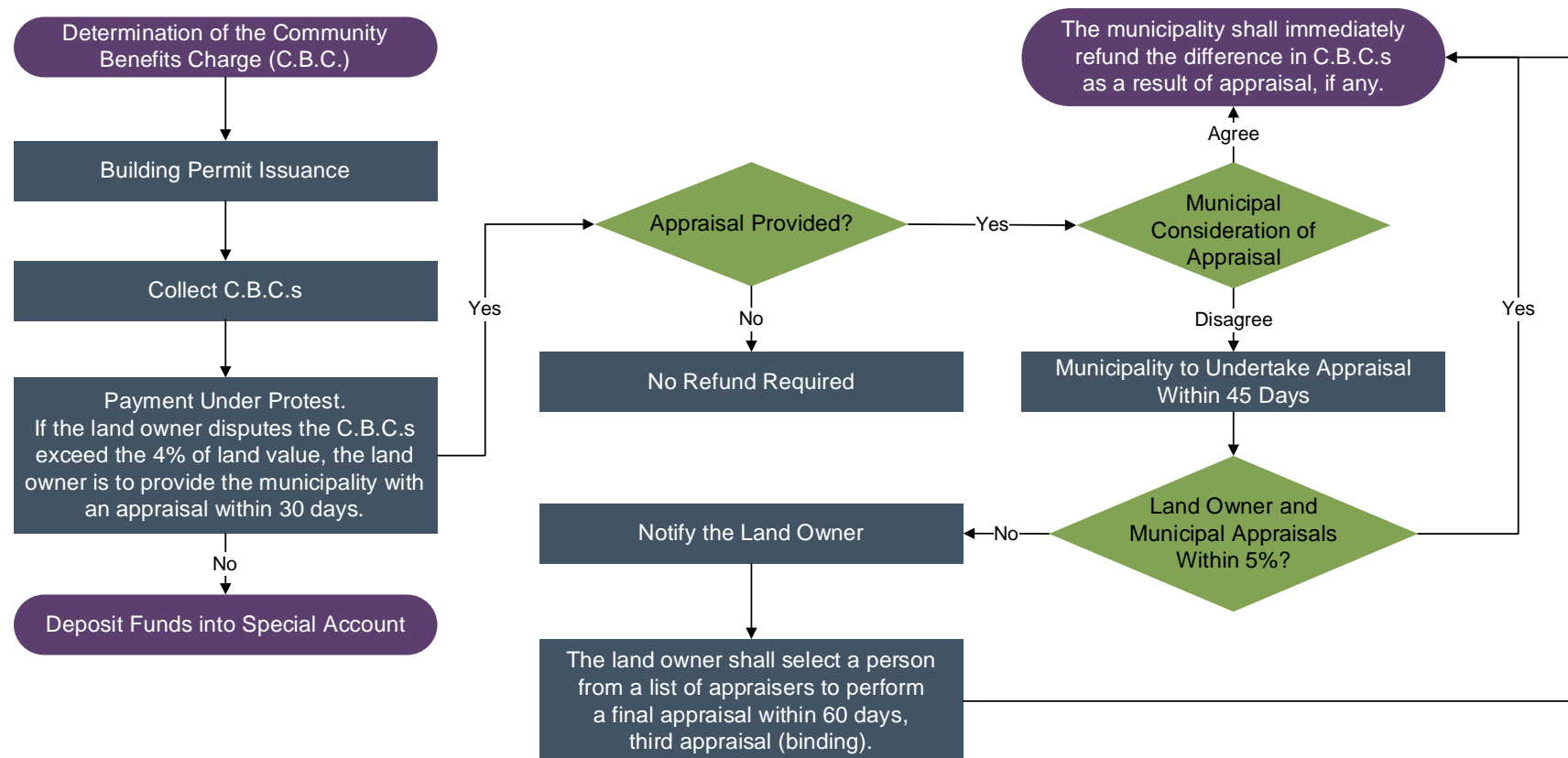


subject to approval by resolution and inclusion in the annual budget process. Further, any additional services approved and funded from C.B.C. revenue in the future will be reported on through an annual C.B.C. reserve fund statement, which will form part of the City's overall year-end statements.

During the annual budget process, the use of C.B.C. funding will be reviewed, and the capital costs associated with each eligible service and capital project will be confirmed and identified for approval of Council.



Figure 7-2
City of Burlington
Community Benefits Charge Application and Calculation Process





7.6 Transitional Matters

7.6.1 Existing Reserves and Reserve Funds

The *Planning Act*, section 37 (49) to section 37 (51) provides transitional provisions for:

1. A special account established under the previous section 37 rules; and
2. A D.C. reserve fund for which services are no longer eligible.

If a municipality passes a C.B.C. by-law with an in-force date before September 18, 2022, the municipality is required to allocate the money in the Section 37 Community Benefits reserve fund to the C.B.C. special account.

If a municipality does not pass a C.B.C. by-law before September 18, 2022, the Section 37 Community Benefits reserve fund is deemed to be a general capital reserve funds for the same purpose in which the money was collected.

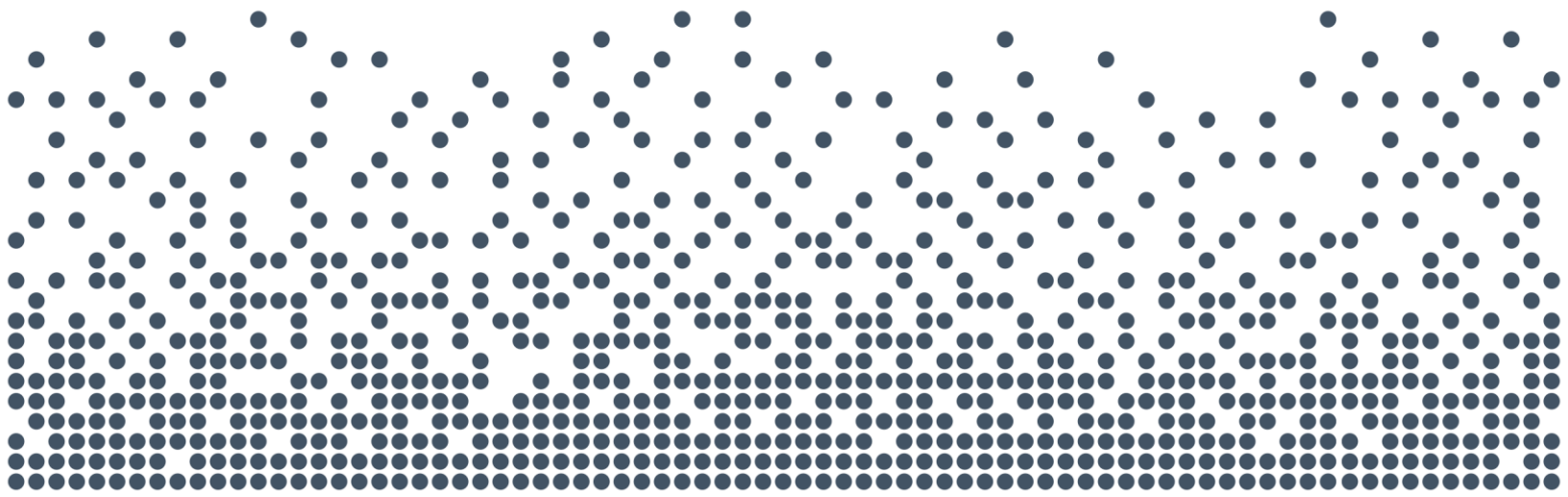
If a C.B.C. by-law is passed after September 18, 2022, the municipality is required to allocate the money from the newly created general capital reserve fund, to the C.B.C. special account. The City's C.B.C. by-law will be passed after September 18, 2022, and as such this provision will apply.

7.6.2 Credits under Section 38 of the Development Charges Act

The *Planning Act* (s.37 (52)) provides that, if a municipality passes a C.B.C. by-law before September 18, 2022, any credits held for services that are no longer D.C. eligible (e.g., parking services), may be used against payment of a C.B.C. by the landowner. . Therefore, there are no credits related to D.C. ineligible services which would require an adjustment against future payments of a C.B.C.

7.6.3 Continued Application of Previous Section 37 Rules

Section 37.1 of the *Planning Act* provides for transitional matters regarding previous section 37 rules.



Appendices



Appendix A

Background Information on Residential and Non- Residential Growth Forecast



Schedule 1 City of Burlington Residential Growth Forecast Summary

Year		Population (Including Census Undercount) ^[1]	Excluding Census Undercount			Housing Units						Person Per Unit (P.P.U.): Total Population/ Total Households
			Population	Institutional Population	Population Excluding Institutional Population	Singles & Semi- Detached	Multiple Dwellings ^[2]	Apartments ^[3]	Other	Total Households	Equivalent Institutional Households	
Historical	Mid 2011	181,120	175,779	2,289	173,490	39,189	13,702	15,819	69	68,779	2,081	2.556
	Mid 2016	188,890	183,314	3,189	180,125	39,855	14,085	17,270	165	71,375	2,899	2.568
	Mid 2021	192,630	186,948	2,993	183,955	39,885	14,430	18,740	115	73,170	2,721	2.555
Forecast	Early 2024	194,100	188,372	3,018	185,354	40,145	14,585	19,181	115	74,026	2,744	2.545
	Early 2034	217,400	210,989	3,394	207,595	41,063	15,624	28,402	115	85,205	3,085	2.476
Incremental	Mid 2011 - Mid 2016	7,770	7,535	900	6,635	666	383	1,451	96	2,596	818	
	Mid 2016 - Mid 2021	3,740	3,634	-196	3,830	30	345	1,470	-50	1,795	-178	
	Mid 2021 - Early 2024	1,470	1,424	25	1,399	260	155	441	0	856	23	
	Early 2024 - Early 2034	23,300	22,617	376	22,241	918	1,040	9,221	0	11,179	341	

^[1] Population includes the Census undercount estimated at approximately 3.0% and has been rounded.

^[2] Includes townhouses and apartments in duplexes.

^[3] Includes bachelor, 1-bedroom, and 2-bedroom+ apartment units.

Notes:

Numbers may not add due to rounding.

Source: Derived from the Halton Region Official Plan, Office Consolidation, May 16, 2024, by Watson & Associates Economists Ltd.



Schedule 2
City of Burlington
Estimate of the Anticipated Amount, Type and Location of
Residential Development for Which Community Benefits Charges Can Be Imposed

Timing	Single & Semi-Detached	Multiples ^[1]	Apartments ^[2]			Total Residential Units	Gross Population In New Units	Existing Unit Population Change	Net Population Increase, Excluding Institutional	Institutional Population	Net Population Including Institutional
			Units in C.B.C. Ineligible Buildings	Units in C.B.C. Eligible Buildings	Total Apartment Units						
Early 2024 - Early 2034	918	1,040	660	8,561	9,221	11,179	20,587	1,655	22,242	375	22,617

^[1] Includes townhouses and apartments in duplexes.

^[2] Includes accessory apartments, bachelor, 1-bedroom, and 2-bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.

Source: Watson & Associates Economists Ltd..



Schedule 3 City of Burlington Current Year Growth Forecast Mid 2021 to Early 2024

		Population
Mid 2021 Population		186,948
Occupants of New Housing Units, Mid 2021 to Early 2024	<i>Units (2)</i>	856
	<i>multiplied by P.P.U. (3)</i>	2.193
	<i>gross population increase</i>	1,876
Occupants of New Equivalent Institutional Units, Mid 2021 to Early 2024	<i>Units</i>	23
	<i>multiplied by P.P.U. (3)</i>	1.100
	<i>gross population increase</i>	25
Change in Existing Housing Unit Occupancy, Mid 2021 to Early 2024	<i>Units (4)</i>	73,170
	<i>multiplied by P.P.U. change rate (5)</i>	-0.007
	<i>total change in population</i>	-477
Population Estimate to Early 2024		188,372
Net Population Increase, Mid 2021 to Early 2024		1,424

(1) 2021 population based on Statistics Canada Census unadjusted for Census undercount.

(2) Estimated residential units constructed, Mid-2021 to the beginning of the growth period assuming a six-month lag between construction and occupancy.

(3) Average number of persons per unit (P.P.U.) is assumed to be:

Structural Type	Persons Per Unit ¹ (P.P.U.)	% Distribution of Estimated Units ²	Weighted Persons Per Unit Average
<i>Singles & Semi Detached</i>	3.214	30%	0.977
<i>Multiples (6)</i>	2.274	18%	0.411
<i>Apartments (7)</i>	1.562	52%	0.805
Total		100%	2.193

¹ Based on 2021 Census custom database

² Based on Building permit/completion activity

(4) 2021 households taken from Statistics Canada Census.

(5) Population change occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.

(6) Includes townhouses and apartments in duplexes.

(7) Includes bachelor, 1-bedroom and 2-bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.



Schedule 4 City of Burlington 10-Year Growth Forecast Early 2024 to Early 2034

		Population
Early 2024 Population		188,372
Occupants of New Housing Units, Early 2024 to Early 2034	Units (2)	11,179
	multiplied by P.P.U. (3)	1.842
	gross population increase	20,587
Occupants of New Equivalent Institutional Units, Early 2024 to Early 2034	Units	341
	multiplied by P.P.U. (3)	1.100
	gross population increase	375
Change in Existing Housing Unit Occupancy, Early 2024 to Early 2034	Units (4)	74,026
	multiplied by P.P.U. change rate (5)	0.022
	total change in population	1,655
Population Estimate to Early 2034		210,989
Net Population Increase, Early 2024 to Early 2034		22,617

(1) Early 2024 Population based on:

2021 Population (186,948) + Mid 2021 to Early 2024 estimated housing units to beginning of forecast period (856 x 2.193 = 1,876) + (23 x 1.1 = 25) + (73,170 x -0.007 = -477) = 188,372

(2) Based upon forecast building permits/completions assuming a lag between construction and occupancy.

(3) Average number of persons per unit (P.P.U.) is assumed to be:

Structural Type	Persons Per Unit ¹ (P.P.U.)	% Distribution of Estimated Units ²	Weighted Persons Per Unit Average
<i>Singles & Semi Detached</i>	3.378	8%	0.277
<i>Multiples (6)</i>	2.431	9%	0.226
<i>Apartments (7)</i>	1.622	82%	1.338
one bedroom or less	1.361		
two bedrooms or more	1.800		
Total		100%	1.842

¹ Persons per unit based on adjusted Statistics Canada Custom 2021 Census database.

² Forecast unit mix based upon historical trends and housing units in the development process.

(4) Early 2024 households based upon 2021 Census (73,170 units) + Mid 2021 to Early 2024 unit estimate (856 units) = 74,026 units.

(5) Population change occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.

(6) Includes townhouses and apartments in duplexes.

(7) Includes bachelor, 1-bedroom and 2-bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.



Schedule 5
City of Burlington
Summary of C.B.C Eligible Units in the Development Approvals Process

Stage of Development Process	C.B.C. Eligible Units	C.B.C. Eligible Unit Shares by Stage of Development Process
Conditional Application Approval Issued	4,875	14%
Application Under Review	7,378	21%
Pre-Consultaiton	17,438	49%
Appealed	5,792	16%
Total	35,483	100%

Source: Derived from data provide by the City of Burlington by Watson & Associates Economists Ltd.



Schedule 6
City of Burlington
Historical Residential Building Permits
Years 2014 to 2023

Year	Residential Building Permits			
	Singles & Semi Detached	Multiples ^[1]	Apartments ^[2]	Total
2014	103	72	0	175
2015	68	80	258	406
2016	75	0	722	797
2017	150	22	935	1,107
2018	105	376	37	518
Sub-total	501	550	1,952	3,003
Average (2014 - 2018)	100	110	390	601
% Breakdown	16.7%	18.3%	65.0%	100.0%
2019	69	57	214	340
2020	75	20	503	598
2021	60	70	412	542
2022	153	4	10	167
2023	91	211	34	336
Sub-total	448	362	1,173	1,983
Average (2019 - 2023)	90	72	235	397
% Breakdown	22.6%	18.3%	59.2%	100.0%
2014 - 2023				
Total	949	912	3,125	4,986
Average	95	91	313	499
% Breakdown	19.0%	18.3%	62.7%	100.0%

^[1] Includes townhouses and apartments in duplexes.

^[2] Includes bachelor, 1-bedroom, and 2-bedroom+ apartment units.

Source: Historical housing activity derived from building permit data for the City of Burlington, by Watson & Associates Economists Ltd.



Schedule 7
City of Burlington
Person Per Unit by Age and Type of Dwelling
(2021 Census)

Age of Dwelling	Singles and Semi-Detached						25 Year Average	25 Year Average Adjusted ^[3]
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total		
1-5	-	-	-	2.747	4.647	3.214		
6-10	-	1.467	1.882	3.578	4.568	3.473		
11-15	-	-	2.182	3.451	4.364	3.520		
16-20	-	-	2.160	3.332	4.225	3.380		
20-25	-	-	1.833	3.097	4.077	3.099	3.337	3.378
25-35	-	-	-	3.074	3.837	3.072		
35+	-	1.563	1.927	2.796	3.620	2.811		
Total	1.667	1.571	1.948	2.934	3.861	2.958		

Age of Dwelling	Multiples ^[1]						25 Year Average	25 Year Average Adjusted ^[3]
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total		
1-5	-	1.517	2.227	3.259	-	2.274		
6-10	-	-	2.074	2.609	-	2.319		
11-15	-	-	2.125	2.849	-	2.656		
16-20	-	-	1.944	2.680	-	2.516		
20-25	-	-	1.937	2.681	-	2.479	2.449	2.431
25-35	-	-	1.814	2.545	-	2.269		
35+	-	1.395	1.902	2.641	3.944	2.450		
Total	0.444	1.432	1.959	2.672	4.000	2.454		

Age of Dwelling	Apartments ^[2]						25 Year Average	25 Year Average Adjusted ^[3]
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total		
1-5	-	1.375	1.755	2.154	-	1.562		
6-10	-	1.320	1.677	-	-	1.519		
11-15	-	1.163	1.675	2.167	-	1.515		
16-20	-	1.400	1.667	3.250	-	1.662		
20-25	-	1.271	1.691	1.846	-	1.585	1.569	1.622
25-35	-	1.370	1.710	2.643	-	1.630		
35+	1.267	1.286	1.780	2.394	-	1.644		
Total	1.227	1.303	1.742	2.415	-	1.615		

Age of Dwelling	All Density Types						25 Year Average	25 Year Average Adjusted ^[3]
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total		
1-5	-	1.396	1.885	2.767	4.474	2.065		
6-10	-	1.345	1.838	3.318	4.410	2.406		
11-15	-	1.200	1.819	3.221	4.474	2.770		
16-20	-	1.470	1.784	3.088	4.159	2.746		
20-25	-	1.298	1.786	2.912	3.971	2.608		
25-35	-	1.336	1.778	2.822	3.783	2.381		
35+	2.056	1.308	1.825	2.758	3.620	2.486		
Total	1.778	1.327	1.818	2.855	3.836	2.514		

^[1] Includes townhouses and apartments in duplexes.

^[2] Includes bachelor, 1-bedroom, and 2-bedroom+ apartments.

Note: Does not include Statistics Canada data classified as 'Other.'

P.P.U. Not calculated for samples less than or equal to 50 dwelling units and does not include institutional population.



Schedule 8 City of Burlington Employment Forecast, 2024 to 2034

Period	Population	Activity Rate								Employment								Employment
		Primary	Work at Home	Industrial	Commercial/ Population Related	Institutional	Total	N.F.P.O.W. ^[1]	Total Including N.F.P.O.W.	Primary	Work at Home	Industrial	Commercial/ Population Related	Institutional	Total	N.F.P.O.W. ^[1]	Total Employment (Including N.F.P.O.W.)	Total (Excluding Work at Home and N.F.P.O.W.)
Mid 2011	175,779	0.001	0.038	0.137	0.213	0.084	0.472	0.046	0.519	260	6,625	24,005	37,400	14,735	83,025	8,155	91,180	76,400
Mid 2016	183,314	0.002	0.045	0.136	0.202	0.089	0.474	0.047	0.521	440	8,165	24,853	37,098	16,265	86,820	8,670	95,490	78,655
Early 2024	188,372	0.002	0.058	0.139	0.201	0.096	0.495	0.041	0.536	340	10,834	26,169	37,872	18,025	93,240	7,673	100,913	82,406
Early 2034	210,989	0.002	0.055	0.125	0.199	0.092	0.472	0.038	0.510	340	11,616	26,347	41,889	19,324	99,516	8,064	107,580	87,900
Incremental Change																		
Mid 2011 - Mid 2016	7,535	0.0009	0.0069	-0.0010	-0.0104	0.0049	0.0013	0.0009	0.0022	180	1,540	848	-303	1,530	3,795	515	4,310	2,255
Mid 2016 - Early 2024	5,058	-0.0006	0.0130	0.0034	-0.0013	0.0070	0.0214	-0.0066	0.0148	-100	2,669	1,317	775	1,760	6,420	-997	5,423	3,751
Early 2024 - Early 2034	22,617	-0.0002	-0.0025	-0.0140	-0.0025	-0.0041	-0.0233	-0.0025	-0.0258	0	782	178	4,017	1,299	6,276	391	6,667	5,494
Annual Average																		
Mid 2011 - Mid 2016	1,507	0.0002	0.0014	-0.0002	-0.0021	0.0010	0.0003	0.0002	0.0004	36	308	170	-61	306	759	103	862	451
Mid 2016 - Early 2024	674	-0.00008	0.00173	0.00045	-0.00018	0.00093	0.00285	-0.00088	0.00197	-13	356	176	103	235	856	-133	723	500
Early 2024 - Early 2034	2,262	-0.00002	-0.00025	-0.00140	-0.00025	-0.00041	-0.00233	-0.00025	-0.00258	0	78	18	402	130	628	39	667	549

^[1] Statistics Canada defines no fixed place of work (N.F.P.O.W.) employees as "persons who do not go from home to the same workplace location at the beginning of each shift. Such persons include building and landscape contractors, travelling salespersons, independent truck drivers, etc."

Note: Employment associated within special care institutional dwellings is treated as residential. For the purposes of the C.B.C. calculations, total employment growth in Schedule 8 (excluding work at home and N.F.P.O.W. employment) has been downwardly adjusted to account for institutional employment associated with special care facilities. Total employment excluding jobs associated with special care facilities is anticipated to reach approximately 87,730 by 2034, an increase of approximately 5,320 for the 10-year forecast period.

Source: Watson & Associates Economists Ltd.



Appendix B

Proposed C.B.C. By-law



The Corporation of the City of Burlington

City of Burlington By-law XX

A By-law to establish Community benefits Charges for the City of Burlington, and to repeal By-law 66-2022, Community Benefits Charges By-law for the City of Burlington (F-XX-XX)

Whereas the City of Burlington (the “City”) will experience growth through development and re-development; and

Whereas Council desires to impose Community Benefits Charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies; and

Whereas the *Planning Act, 1990* (the “Act”) provides that the council of a municipality may by by-law impose Community Benefits Charges against higher density residential development or redevelopment; and

Whereas a Community Benefits Charge strategy report, dated November 4, 2024, has been completed which identifies the facilities, services and matters that will be funded with Community Benefits Charges and complies with the prescribed requirements; and

Whereas the City has consulted with the public and such persons and public bodies as the City considers appropriate; and

Whereas on December 10, 2024, Council for the City of Burlington approved Report F-05-24, dated December 2, 2024, in which certain recommendations were made relating to the Community Benefits Strategy and By-law.

The Council of the City enacts as follows:

1. INTERPRETATION

1.1 In this By-law, the following items shall have the corresponding meanings:

“Act” means the *Planning Act*, R.S.O. 1990, CHAPTER P.13;

“Affordable Residential Unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1 (2) or 4.1(3) of the *Development Charges Act, 1997*, c.27 as amended;



“Apartment” means a dwelling unit in an apartment building;

"Apartment Building" means a residential building or the residential portion of a mixed-use building consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade, but does not include a triplex, duplex, or townhouse. Notwithstanding the forgoing an Apartment Building includes a Stacked Townhouse;

“Attainable Residential Unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1(4) of the *Development Charges Act, 1997, c.27* as amended;

“Bedroom” means a habitable room of at least seven (7) square metres, including a den, loft, study, or other similar area, but does not include a kitchen, bathroom, living room, family room, or dining room;

“Building” means any structure or building as defined in the *Ontario Building Code* (O Reg 332/12 under the *Building Code Act*, but does not include a vehicle;

“Building Code Act” means the *Building Code Act, 1992, SO 1992, c 23* as amended;

“Capital Costs” means growth-related costs incurred or proposed to be incurred by the City or a Local Board thereof directly or by others on behalf of, and as authorized by, the City or Local Board,

- (a) to acquire land or an interest in land, including a leasehold interest,
- (b) to improve land,
- (c) to acquire, lease, construct or improve buildings and structures,
- (d) to acquire, construct or improve facilities including,
 - (i) furniture and equipment, and
 - (ii) rolling stock;
- (e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d) above, including the Community Benefits Charge strategy study,

required for the provision of Services designated in this By-law within or outside the City, including interest on borrowing for those expenditures under clauses (a) to (e) above;



“City” means The City of Burlington or the geographic area of the municipality, as the context requires;

“Community Benefits Charge” means a charge imposed pursuant to this By-law;

“Council” means the Council of the City of Burlington;

“Development” means the construction, erection, or placing of one or more Buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof or any development requiring any of the actions described in subsection 2.4(a), and includes Redevelopment;

"Dwelling Unit" means a room or suite of rooms used, or designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

“Grade” means the average level of proposed or finished ground adjoining a building at all exterior walls;

“Land” (or “Lot”) means, for the purposes of this By-law, the lesser of the area defined as:

- (a) The whole of a parcel of property associated with the Development or Redevelopment and any abutting properties in which a person holds the fee or equity of redemption in, power or right to grant, assign or exercise a power of appointment in respect of, or;
- (b) The whole of a lot or a block on a registered plan of subdivision or a unit within a vacant land condominium that is associated with the Development or Redevelopment;

But not including any hazard lands, natural heritage features, or ecological buffers identified in the City’s Official Plan, an approved Secondary Plan, or through an environmental impact study accepted by the City.

“Owner” means the owner of Land or a person who has made application for an approval for the Development of land for which a Community Benefits Charge may be imposed;



“Prescribed” means prescribed in the regulations made under the Act;

“Redevelopment” means the construction, erection or placing of one or more Buildings on Land where all or part of a Building on such Land has previously been demolished, or changing the use of a Building from a Non-Residential Use to a Residential Use, or changing a Building from one form of Residential Use to another form of Residential Use and including any development or redevelopment requiring any of the actions described in subsection 2.4(a);

“Residential Unit” means a room or suite of rooms used, or designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

“Residential Use” means lands, buildings or structures used, or designed or intended for use as a home or residence of one or more individuals, and shall include, but is not limited to, a single detached dwelling, a semi detached dwelling, a townhouse, a plex, a stacked townhouse, an apartment building, a mobile home, a retirement residence and a residential dwelling unit accessory to a non-residential use;

“Service” means a service designated in subsection 1.3, and “Services” shall have a corresponding meaning;

“Stacked Townhouse” means a building containing two or more dwelling units, each dwelling separates horizontally and/or vertically from another dwelling unit by a common wall;

“Storey” means the portion of a building, excluding roof top enclosure space used for no other purpose than roof top access, and/or elevators and other building service equipment, that is:

- (a) that is situated between the top of any floor and the top of the floor next above it,
or
- (b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

“Valuation date” means, with respect to land that is the subject of development or redevelopment,



- (a) the day before the day the building permit is issued in respect of the development or redevelopment, or
- (b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued.

“Zoning By-Law” means any by-laws enacted by the City under section 34 of the *Planning Act*.

- 1.2 The reference to any applicable statute, regulation, by-law, or to the Official Plan in this Community Benefits Charge By-law shall be deemed to refer to the statute, regulation, by-law, and/or Official Plan as they may be amended from time to time and shall be applied as they read on the date on which Community Benefits Charges are due to the City.

Designation of Services

- 1.3 A Community Benefits Charge may be imposed in respect of the following:
- (a) Land for park or other public recreational purposes in excess of lands dedicated or cash-in-lieu payments made under section 42 or subsection 51.1 of the *Planning Act*.
 - (b) Services not provided under subsection 2(4) of the *Development Charges Act*.
 - (c) As per the November 4, 2024, Community Benefits Charges Strategy, the City intends to recover Capital Costs relating to the following services through this by-law:
 - (i) Parkland.

2. PAYMENT OF COMMUNITY BENEFITS

- 2.1 Community Benefits Charge shall be payable by the Owner of Land proposed for Development in the amounts set out in this By-law where:
- (a) the Land proposed for Development is located in the area described in subsection 3.2; and



- (b) the proposed Development requires any of the approvals set out in subsection 2.4(a).

Area to Which By-law Applies

- 2.2 Subject to subsection 2.3, this By-law applies to all lands in the City.
- 2.3 This By-law shall not apply to lands that are owned by and used for the purposes of:
- (a) The City or a Local Board thereof;
 - (b) a Board of Education;
 - (c) The Region of Halton, or a Local Board thereof.

Approval for Development

2.4

- (a) A Community Benefits Charge shall be imposed only with respect to Development that requires one or more of the following approvals:
- (i) the passing of a Zoning By-Law or of an amendment to a Zoning By-Law under section 34 of the *Planning Act*;
 - (ii) the approval of a minor variance under section 45 of the *Planning Act*;
 - (iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (v) a consent under section 53 of the *Planning Act*;
 - (vi) the approval of a description under section 9 of the *Condominium Act*, 1998, SO 1998, c 19, as amended, or any successor thereof; or
 - (vii) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.



- (b) Despite subsection 2.4(a) above, a Community Benefits Charge shall not be imposed with respect to:
- (i) Development of a proposed building or structure with fewer than five storeys at or above ground;
 - (ii) Development of a proposed building or structure with fewer than 10 residential units;
 - (iii) Redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;
 - (iv) Redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or
 - (v) such types of Development or Redevelopment as are prescribed.
- (c) For the purposes of this section, the first Storey at or above ground is the Storey that has its floor closest to Grade and its ceiling more than 1.8m above Grade.

Exemptions

- 2.5 Notwithstanding the provisions of this By-law, Community Benefits Charges shall not be imposed with respect to:
- (a) Development or Redevelopment of a building or structure intended for use as a long-term care home within the meaning of subsection 2(1) of the *Long-Term Care Homes Act, 2007*
 - (b) Development or Redevelopment of a building or structure intended for use as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*;
 - (c) Development or Redevelopment of a building or structure intended for use by any of the following post-secondary institutions for the objects of the institution:
 - (i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario;



- (ii) a college or university federated or affiliated with a university described in subparagraph (i);
 - (iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.
- (d) Development or Redevelopment of a building or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion.;
- (e) Development or Redevelopment of a building or structure intended for use as a hospice to provide end-of-life care;
- (f) Development or Redevelopment of a building or structure intended for use as residential premises by any of the following entities:
- (i) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (ii) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing;
 - (iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

Amount of Charge

- 2.6 The amount of a Community Benefits Charge payable in any particular case shall be determined as follows:
- (a) Where there is Development or Redevelopment other than that described in subsection 2.4(b) and which requires one or more of the approvals set out in subsection 2.4(a), on land to which this By-law applies, the Community Benefits Charges payable pursuant to this By-law shall be four (4) percent of the value of the land being developed as of the Valuation date.
 - (b) Land referred to in subsections 2.6(a) and 2.6(c) means the entire Parcel or Parcels on which the Development or Redevelopment is occurring regardless of



whether the Development or Redevelopment is only on a part of the Parcel or Parcels or is a phase of a Development or Redevelopment.

- (c) If a Development or Redevelopment consists of two or more above grade Buildings that will not be constructed concurrently, will be subject to separate building permits and are anticipated to be completed at different times, each phase of the Development or Redevelopment is deemed to be a separate Development or Redevelopment for the purposes of this By-law. The Community Benefits Charges for the first of the above grade Buildings will be calculated in accordance with subsection 2.6(a). For each subsequent above grade Building the Community Benefits Charges payable shall be calculated as follows:

4% of the value of the land being developed as of the Valuation Date minus the Community Benefits Charges payable for the previous above grade Building(s).

If the difference in the aforesaid calculation is zero or a negative value no Community Benefits Charge is payable, and no credit or refund will be payable.

- (d) Notwithstanding subsections (a), (b), or (c), the amount of a Community Benefits Charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land, as of the Valuation date, multiplied by the ratio of "A" to "B" where, "A" is the floor area of any part of a building or structure, which part is proposed to be erected or located as part of the Development or Redevelopment, and "B" is the floor area of all buildings and structures that will be on the land after the Development or Redevelopment.

- (e) Development or redevelopment that includes affordable residential units, attainable residential units, or residential units described in subsection 4.3(2) of the *Development Charges Act*, the Community Benefits Charge applicable to such a development or redevelopment shall not exceed the amount determined under subsection 37(32) multiplied by the ratio of A to B where:

"A" is the gross floor area of all buildings that are part of the Development or Redevelopment minus the gross floor area of all affordable residential units, attainable residential units and residential units described in subsection 4.3 (2) of the *Development Charges Act*; and



“B” is the gross floor area of all buildings that are part of the Development or Redevelopment.”

In-Kind Contributions

- 2.7 The City may, at its discretion, allow an Owner of Land to provide to the City facilities, services or matters required because of Development or Redevelopment in the area to which the By-law applies in lieu, or partially in lieu of a Community Benefits Charge that would otherwise be payable.
- 2.8 For in-kind contributions pursuant to the preceding subsection to be considered, an application for consideration of in-kind contributions must be submitted to the City with supporting documentation as to the suggested value thereof no less than 180 days prior to the first building permit being granted for the proposed Development or Redevelopment.
- 2.9 In-kind contributions pursuant to subsection 2.7 shall only be accepted as if the same are approved by resolution of Council. The determination of Council as to whether in-kind contributions shall be accepted in full or partial satisfaction of Community Benefits Charges shall be final and binding.
- 2.10 The value attributed to an in-kind contribution under subsection 2.7 shall be as determined by Council, based on one or more third-party valuations to the satisfaction of Council. Council's determination of the value to be attributed to any in-kind contribution shall be final and binding.

Time of Payment of Community Benefits Charges

- 2.11 Any developments that were subject to an agreement under the prior Section 37 of the *Planning Act* prior to this by-law coming into force and effect shall have the amount paid under the Section 37 agreement credited against the Community Benefit Charge payable:
- (a) The amount credited against the charge payable shall be the amount paid under the prior Section 37 agreement that relates to the proposed Development
 - (b) In no case shall the credit be greater than the Community Benefits Charge otherwise payable.



Credits

2.12 Any developments that were subject to an agreement under the prior Section 37 of the *Planning Act* prior to this by-law coming into force and effect shall have the amount paid under the Section 37 agreement credited against the Community Benefit Charge payable:

- (a) The amount credited against the charge payable shall be the amount paid under the prior Section 37 agreement that relates to the proposed Development
- (b) In no case shall the credit be greater than the Community Benefits Charge otherwise payable.

Interest on Refunds

2.13 If it is determined that a refund is required, the City shall pay interest on a refund in accordance with subsections 37(28) and 37(29) of the Act at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality to the day it is refunded.

3. SEVERABILITY

3.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

4. DATE BY-LAW IN FORCE

4.1 This By-law shall come into effect at 12:01 A.M. on January 1, 2025.

5. REPEAL

5.1 By-law 66-2022 is hereby repealed upon the coming into force of this By-law.

Passed this 10th day of December 2024.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____